



**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

May 7, 2013

1:00 p.m.

Board of Chiropractic Examiners  
2525 Natomas Park Drive  
Conference Room, 2<sup>nd</sup> Floor, Suite 260  
Sacramento, CA 95833  
(916) 263-5355

**Teleconference Locations with Public Access**

Julie Elginer, Dr. PH

Agoura Hills Library  
29901 Ladyface Court  
Agoura Hills, CA 91301-2582  
(818) 889-2278

Frank Ruffino

Office of Community Resources  
480 Alta Road  
San Diego, CA 92179  
(619) 661-8654

Heather Dehn, D.C.

Dehn Chiropractic  
4616 El Camino Avenue, Suite B  
Sacramento, CA 94821  
(916) 488-0202

**AGENDA**

1. CALL TO ORDER
2. Approval of Minutes  
April 5, 2013
3. Legislative Update
  - AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses
  - AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience
  - AB 376 (Donnelly) – Regulations: notice
  - AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site
  - AB 512 (Rendon) – Healing arts: licensure exemption
  - AB 555 (Salas) – Social Security Numbers
  - AB 653 (Perez) – State Government
  - AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations

- AB 866(Linder) – Regulations
- AB 1003 (Maienschein) – Professional corporations: healing arts practitioners
- SB 46 (Corbett) – Personal Information: privacy
- SB176 (Galgiani) – Administrative procedures
- SB 306 (Price) – Healing arts: boards
- SB 381 (Yee) – Healing arts: chiropractic practice
- SB 626 (Beall) – Workers' compensation

4. PUBLIC COMMENT
5. FUTURE AGENDA ITEMS
6. ADJOURNMENT

#### GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair  
Heather Dehn, D.C.  
Frank Ruffino

*The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.*

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A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Government Affairs Committee  
April 5, 2013  
2525 Natomas Park Drive  
Conference Room, 2<sup>nd</sup> Floor, Suite 260  
Sacramento, CA 95833**

**Committee Members Present**

Julie Elginer, Dr.PH, Chair  
Heather Dehn, D.C.  
Frank Ruffino

**Staff Present**

Robert Puleo, Executive Officer  
Linda Shaw, Licensing/Admin. Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Sandra Walker, Compliance Unit Manager

**Call to Order**

Dr. Elginer called the meeting to order at 12:38 p.m.

**Roll Call**

Dr. Dehn called the roll. All committee members were present.

**Approval of Minutes**

**MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE JANUARY 24, 2013  
GOVERNMENT AFFAIRS COMMITTEE MEETING  
SECOND: FRANK RUFFINO SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED**

## **Legislative Bill Analysis Training**

Dr. Julie Elginer provided a power point presentation on the legislative process.

Dr. Dehn recommended that we add p. 43 of the Bill Analysis presentation to the Board's Legislative Bill Tracking Manual.

## **Legislative Update**

**MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE A "WATCH" POSITION ON AB 186 (MAIENSCHIN) – PROFESSIONS AND VOCATIONS: MILITARY SPOUSES.**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

**MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE UNLESS AMENDED" POSITION ON AB 213 (LOGUE) – HEALING ARTS: LICENSURE AND CERTIFICATION REQUIREMENTS: MILITARY EXPERIENCE**

**MOTION: FRANK RUFFINO MOVED TO AMEND HIS MOTION TO TABLE THE DISCUSSION OF AB 213 UNTIL THE BOARD CAN PREPARE AN ANALYSIS.**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE" POSITION ON AB 376 (DONNELLY) – REGULATIONS NOTICE**

**SECOND: FRANK RUFFINO SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE A "NEUTRAL" POSITION ON AB 393 (COOLEY) – OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT: INTERNET WEB SITE**

**SECOND: FRANK RUFFINO SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

**MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE A "WATCH" POSITION ON AB 555 (SALAS) – PROFESSIONS AND VOCATIONS: MILITARY AND VETERANS**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

**MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE A "SUPPORT" POSITION ON AB 722 (LOWENTHAL) – VEHICLES: DRIVER'S LICENSES: MEDICAL EXAMINATIONS**  
**SECOND: DR. DEHN SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE A "SUPPORT" POSITION ON AB 1003 (MAIENSCHIN) – PROFESSIONAL CORPORATIONS: HEALING ARTS PRACTITIONERS**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**

Dr. Julie Elginer, Dr. PH expressed concern that this bill does not promote consumer protection and recommended that the board check with other healing arts boards to see if they have taken a position on this bill.

**MOTION: DR. DEHN MOVED TO AMEND HER MOTION AND TABLE THE DISCUSSION OF AB 1003 UNTIL THE NEXT SCHEDULED MEETING.**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE" POSITION ON SB 176 (GALGANI) – ADMINISTRATIVE PROCEDURES**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE A "WATCH" POSITION ON SB 306 (PRICE) – HEALING ARTS: BOARDS**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE A "SUPPORT" POSITION ON SB 381 (YEE) – HEALING ARTS: CHIROPRACTIC PRACTICE**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**MOTION: DR. JULIE ELGINER MOVED TO TABLE THE DISCUSSION OF SB 626 UNTIL THE NEXT COMMITTEE MEETING**  
**SECOND: FRANK RUFFINO SECONDED THE MOTION**  
**VOTE: 3-0**  
**MOTION CARRIED**

**Board Member Administrative Manual**

Robert Puleo, Executive Officer advised the committee that the Board Member Administrative Manual has been posted on the Board's web site.

### **BCE Strategic Plan**

Dr. Julie Elginer reported on the Strategic Planning Meeting on April 4, 2013 and advised that the July board meeting will likely be a two-day meeting to accommodate DCA's SOLID Unit to work on the strategic plan with the full board.

### **Public Comment**

There were no public comments.

### **Future Agenda Items**

Dr. Julie Elginer requested to convene the Government Affairs Committee by teleconference on the afternoon of either May 6<sup>th</sup> or May 7<sup>th</sup>, 2013.

### **Adjournment**

Dr. Elginer adjourned the meeting at 3:04 p.m.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 186  
**Author:** Assembly Member: Brian Maienschein  
**Bill Date:** Amended, April 22, 2013  
**Subject:** Professions and Vocations: military spouses: temporary licenses  
**Sponsor:** None

**STATUS OF BILL:** Introduced on January 28, 2013; amended on April 22, 2013 by author; passed Assembly B.P. & C.P on April 30, 2013 (10-1). Referred to Appropriations Committee.

### **SUMMARY:**

This bill would require boards within DCA to issue temporary licenses to spouses or domestic partners of active duty members of the Armed Forces.

### **EXISTING LAW:**

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.
- The Chiropractic Initiative Act provides for the issuance of reciprocal licenses in chiropractic from states with the same general requirements as California and which reciprocate licenses from California.
- Requires boards and bureaus within DCA to expedite the reciprocal licensure process for applicants who are married or domestic partners of active duty members of the Armed Forces.

### **THIS BILL WOULD:**

- Require boards within DCA to issue a temporary license to applicants who qualify for an expedited license pursuant to BPC section 115.5.
- Establish an expiration date of the temporary license as 12 months after issuance, or upon denial of the application for expedited licensure, whichever comes first.
- Authorize the board to deny or revoke the temporary license of any applicant who committed any act that constitutes grounds for discipline at the time the act was committed, has been disciplined by another licensing entity, or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding by a licensing entity in another jurisdiction.

- Require the board to approve the issuance of temporary licenses based on an affidavit attesting to the fact that the applicant meets the requirements the temporary license, that the information contained within the application is accurate and that the applicant's license from another jurisdiction is in good standing.
- Require fingerprints for purposes of a criminal background check, upon request by the Board.

### **BACKGROUND:**

According to the author, an estimated 26% of military spouses residing in California are unemployed and seeking work as a result of delayed licensing processes of regulatory boards and bureaus. This bill will allow military spouses to support their families by having the ability to look for employment immediately while going through the licensing process.

### **FISCAL IMPACT:**

This bill would impact regulatory boards by requiring them to issues temporary licenses to military spouses subject to BPC section 115.5. Costs incurred by the boards would include fees to support the creation and printing of a temporary license, staff time to process the licenses and mailing costs. However, the BCE is unable to comply with this bill, as currently drafted, as the Chiropractic Initiative Act (Act) prohibits the BCE from issuing any type of license other than a license to practice chiropractic.

### **SUPPORT & OPPOSITION:**

#### Support:

- California Architects Board
- California Association for Health Services at Home
- Department of Defense (DOD)
- National Military Family Association
- San Diego Military Advisory Council

#### Opposition:

- American Association for Marriage and Family Therapy, California Division
- Board for Professional Engineers, Land Surveyors, and Geologists
- California Nurses Association



## **ARGUMENTS:**

### **Pro:**

- This bill would enable applicants who are spouses or domestic partners of active duty military to begin working in the profession, with a temporary license, for which they are applying for licensure while awaiting the issuance of a reciprocal license.

### **Con:**

- The issuance of provisional licenses is mandatory; therefore the bill conflicts with the Chiropractic Initiative Act, which provides that the Board shall issue only one form of certificate, which shall be designated "License to practice chiropractic".
- This bill may increase the threat of consumer harm by allowing applicants to work based on an affidavit on the application rather than waiting for the results of the DOJ and FBI background check. Affidavits do not guarantee that the applicant answered the questions truthfully.
- This bill will have a fiscal impact upon licensing entities through added duties for staff to issue the temporary licenses and cost of creating, printing and mailing the temporary licenses, including promulgating regulations to implement this process.
- The Chiropractic Initiative Act prohibits the BCE from reciprocating licenses with states that do not have similar requirements and do not reciprocate licenses with California.

## **STAFF RECOMMENDED POSITION:**

**OPPOSE:** The BCE opposes this bill as amended, as the Chiropractic Initiative Act does not provide the Board with authority to issue any other type of license other than a license to practice chiropractic.

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 186**

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**Introduced by Assembly Member Maienschein  
(Principal coauthor: Assembly Member Hagman)  
(Coauthors: Assembly Members *Chávez*, *Dahle*, *Donnelly*, *Beth Gaines*, *Grove*, *Harkey*, *Olsen*, and *Patterson*)  
(Coauthors: Senators Fuller and Huff)**

January 28, 2013

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An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. *Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated.* Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic

partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

~~This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license pursuant to the above-described provision. The~~

*This bill would require a board within the department to issue a temporary license to an applicant who qualifies for, and requests, expedited licensure pursuant to the above-described provision if he or she meets specified requirements. The bill would require the temporary license to expire 12 months after issuance, upon issuance of the expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. The bill would authorize a board to conduct an investigation of an applicant for purposes of denying or revoking a temporary license, and would authorize a criminal background check as part of that investigation. The bill would require an applicant seeking a temporary license to submit an application to the board that includes a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, as specified. The bill would also require the application to include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing.*

~~This bill would prohibit a provisional temporary license from being provided to any applicant who has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license at the time the act was committed, or committed. The bill would provide that a violation of the above-described provision may be grounds for the denial or revocation of a temporary license. The bill would further prohibit a temporary license from being provided to any applicant who has been disciplined by a licensing entity in another jurisdiction, or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction. The bill would require the board to approve a provisional license based on an application that includes an affidavit that the information submitted in the application is accurate and that verification documentation from the other jurisdiction has been requested. The bill would require the provisional license to expire after 18 months or at the issuance of the expedited license. The bill would~~

*require an applicant, upon request by a board, to furnish a full set of fingerprints for purposes of conducting a criminal background check.*

~~By creating provisional licenses for which a fee may be collected and deposited into a continuously appropriated fund, this bill would make an appropriation.~~

*Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115.5 of the Business and Professions  
2 Code is amended to read:

3 115.5. (a) A board within the department shall expedite the  
4 licensure process for an applicant who meets both of the following  
5 requirements:

6 (1) Supplies evidence satisfactory to the board that the applicant  
7 is married to, or in a domestic partnership or other legal union  
8 with, an active duty member of the Armed Forces of the United  
9 States who is assigned to a duty station in this state under official  
10 active duty military orders.

11 (2) Holds a current license in another state, district, or territory  
12 of the United States in the profession or vocation for which he or  
13 she seeks a license from the board.

14 ~~(b) (1) For each applicant who is eligible for an expedited~~  
15 ~~license pursuant to subdivision (a) and meets the requirements in~~  
16 ~~paragraph (2), the board shall provide a provisional license while~~  
17 ~~the board processes the application for licensure. The board shall~~  
18 ~~approve a provisional license based on an application that includes~~  
19 ~~an affidavit that the information submitted in the application is~~  
20 ~~accurate and that verification documentation from the other~~  
21 ~~jurisdiction has been requested. The provisional license shall expire~~  
22 ~~18 months after issuance or upon issuance of the expedited license.~~

23 *(b) (1) A board shall, after appropriate investigation, issue a*  
24 *temporary license to an applicant who is eligible for, and requests,*  
25 *expedited licensure pursuant to subdivision (a) if the applicant*  
26 *meets the requirements described in paragraph (3). The temporary*  
27 *license shall expire 12 months after issuance, upon issuance of*

1 *the expedited license, or upon denial of the application for*  
2 *expedited licensure by the board, whichever occurs first.*

3 *(2) The board may conduct an investigation of an applicant for*  
4 *purposes of denying or revoking a temporary license issued*  
5 *pursuant to this subdivision. This investigation may include a*  
6 *criminal background check.*

7 *(3) (A) An applicant seeking a temporary license issued*  
8 *pursuant to this subdivision shall submit an application to the*  
9 *board which shall include a signed affidavit attesting to the fact*  
10 *that he or she meets all of the requirements for the temporary*  
11 *license and that the information submitted in the application is*  
12 *accurate, to the best of his or her knowledge. The application shall*  
13 *also include written verification from the applicant's original*  
14 *licensing jurisdiction stating that the applicant's license is in good*  
15 *standing in that jurisdiction.*

16 ~~*(2) (A) —*~~

17 *(B) The applicant shall not have committed an act in any*  
18 *jurisdiction that would have constituted grounds for denial,*  
19 *suspension, or revocation of the license under this code at the time*  
20 *the act was committed. A violation of this subparagraph may be*  
21 *grounds for the denial or revocation of a temporary license issued*  
22 *by the board.*

23 ~~*(B)*~~

24 *(C) The applicant shall not have been disciplined by a licensing*  
25 *entity in another jurisdiction and shall not be the subject of an*  
26 *unresolved complaint, review procedure, or disciplinary proceeding*  
27 *conducted by a licensing entity in another jurisdiction.*

28 *(D) The applicant shall, upon request by a board, furnish a full*  
29 *set of fingerprints for purposes of conducting a criminal*  
30 *background check.*

31 *(c) A board may adopt regulations necessary to administer this*  
32 *section.*

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 213  
**Author:** Assembly Member: Dan Logue  
**Bill Date:** Amended April 18, 2013  
**Subject:** Healing arts: licensure and certification requirements: military experience.  
**Sponsor:** Author Sponsored

**STATUS OF BILL:** Introduced on January 31, 2013; passed Assembly B., P. & C.P. (13-0); referred to Comm. on Veterans Affairs. Hearing set for April 30, 2013.

### **SUMMARY:**

This bill would require healing arts boards under Division 2 of the Business and Professions Code and the State Department of Public Health to require a school seeking accreditation or approval to provide proof of procedures to evaluate whether the military training, education and practical experience are equivalent to board standards.

### **EXISTING LAW:**

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.
- Provides for the issuance of reciprocal licenses in chiropractic from states with the same general requirements as California and reciprocates licenses from California.
- Requires boards and bureaus within DCA to expedite the reciprocal licensure process for applicants who are married or domestic partners of active duty members of the Armed Forces.

### **THIS BILL WOULD:**

- Require boards which accredit schools or approve schools offering course credit for meeting licensure requirements to mandate schools seeking accreditation or approval to submit proof to the Board by January 1, 2015, of procedures to evaluate the equivalency of the applicant's military education, training and practical experience.
- Requires the Dept. of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to assist DPH, the State Public Health Officer, healing arts boards, and schools with

compliance, determination of equivalency and obtaining state, federal or private funds for implementation of this bill.

- Provide that these provisions shall not interfere with an educational, certification, or licensing requirement or standard set by a licensing entity or certification board or other appropriate healing arts regulatory agency, to practice health care in California.

### **BACKGROUND:**

According to the author, unemployment rates among separating services members are higher than the national average. In 2011, approximately 900 service members with medical classifications separated from active duty and sought employment in the healthcare field in California. Transitioning these individuals from military to civilian life would help to fulfill healthcare needs in underserved communities as well as help veterans provide for their families. This bill will alleviate the veteran unemployment problem allowing veterans to complete the required coursework necessary for licensure more quickly.

### **FISCAL IMPACT:**

It is unclear whether this bill would impose a significant fiscal impact upon the BCE as the Board is not aware of chiropractic training or education offered by the military. Further, the BCE approves schools accredited by the CCE, a national accrediting agency; who would be responsible for reviewing the curriculum, courses and military training. Therefore, it is unclear what the role of the BCE would be in implementing this requirement as the BCE does not have the resources or the expertise to evaluate academic evaluation procedures.

### **SUPPORT & OPPOSITION:**

#### **Support:**

- Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy)
- American Legion – Dept. of California
- AMVETS
- California Association of County Veterans Service Officers
- VFW- Dept. of California
- Vietnam Veterans of America – California State Council
- Association of California Healthcare Districts
- California Association for Health Services at Home
- California State Commanders Veterans Council

#### **Opposition:**

- California Society of Radiologic Technologists (CSRT)

## **ARGUMENTS:**

### **Pro:**

- The Deputy Assistant Secretary of Defense, Military Community and Family Policy states that separating service members are frequently delayed post-service employment, even though they have applicable military training, experience and education which qualify them for academic credit towards licensure requirements.

### **Con:**

- The CSRT argues that this legislation must include a California Radiology Program Educator as part of the Board suggested in the legislation to ensure academic equivalency.
- The necessity of this bill is unclear. The author provides statistics from 2011 and estimates the number of veterans seeking employment in healthcare fields, but the statistics do not demonstrate that these veterans have delays in obtaining licensure and the reasons for the delays.
- Since the BCE does not directly approve or accredit chiropractic schools, it is unclear whether the BCE would be subject to the provisions of this bill.
- The BCE has limited jurisdiction over schools and this bill does not clarify what action the BCE can take against schools who do not comply with these provisions.
- The BCE does not have the resources or expertise to evaluate academic evaluation procedures.

## **STAFF RECOMMENDED POSITION:**

**OPPOSE**



AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 213**

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**Introduced by Assembly Member Logue  
(Principal coauthor: Assembly Member Pan)  
(Coauthors: Assembly Members Conway, Beth Gaines, Harkey,  
Jones, Morrell, Nestande, and Wilk)**

January 31, 2013

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An act to add Section 712 to the Business and Professions Code, and to add Section 131136 to the Health and Safety Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as amended, Logue. Healing arts: licensure and certification requirements: military experience.

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, specified other healing arts professions and vocations are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public

Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

This bill would require the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate for specified professions and vocations if that education, training, or experience is equivalent to the standards of the department. If a board within the Department of Consumer Affairs or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than January 1, 2015, require those schools seeking accreditation or approval to have procedures in place to evaluate an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification, as specified.

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans. Under existing law, the Chancellor of the California State University and the Chancellor of the California Community Colleges have specified powers and duties relating to statewide health education programs.

With respect to complying with the bill's requirements and obtaining specified funds to support compliance with these provisions, this bill would require the Department of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to provide technical assistance to the healing arts boards within the Department of Consumer Affairs, the State Department of Public Health, and to the schools offering, or seeking to offer, educational course credit for meeting licensing qualifications and requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Veterans Health Care Workforce Act of 2013.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:

1 (1) Lack of health care providers continues to be a significant  
2 barrier to access to health care services in medically underserved  
3 urban and rural areas of California.

4 (2) Veterans of the United States Armed Forces and the  
5 California National Guard gain invaluable education, training, and  
6 practical experience through their military service.

7 (3) According to the federal Department of Defense, as of June  
8 2011, one million veterans were unemployed nationally and the  
9 jobless rate for post-9/11 veterans was 13.3 percent, with young  
10 male veterans 18 to 24 years of age experiencing an unemployment  
11 rate of 21.9 percent.

12 (4) According to the federal Department of Defense, during the  
13 2011 federal fiscal year, 8,854 enlisted service members with  
14 medical classifications separated from active duty.

15 (5) According to the federal Department of Defense, during the  
16 2011 federal fiscal year, 16,777 service members who separated  
17 from active duty listed California as their state of residence.

18 (6) It is critical, both to veterans seeking to transition to civilian  
19 health care professions and to patients living in underserved urban  
20 and rural areas of California, that the Legislature ensures that  
21 veteran applicants for licensure by healing arts boards within the  
22 Department of Consumer Affairs or the State Department of Public  
23 Health are expedited through the qualifications and requirements  
24 process.

25 (b) It is the intent of the Legislature to ensure that boards within  
26 the Department of Consumer Affairs and the State Department of  
27 Public Health and schools offering educational course credit for  
28 meeting licensing qualifications and requirements fully and  
29 expeditiously recognize and provide credit for an applicant's  
30 military education, training, and practical experience.

31 SEC. 3. Section 712 is added to the Business and Professions  
32 Code, to read:

33 712. (a) Not later than January 1, 2015, if a board under this  
34 division accredits or otherwise approves schools offering  
35 educational course credit for meeting licensing qualifications and  
36 requirements, the board shall require a school seeking accreditation  
37 or approval to submit to the board proof that the school has  
38 procedures in place to evaluate, upon presentation of satisfactory  
39 evidence by the applicant, the applicant's military education,  
40 training, and practical experience toward the completion of an

1 educational program that would qualify a person to apply for  
2 licensure if the school determines that the education, training, or  
3 practical experience is equivalent to the standards of the board. A  
4 board that requires a school to be accredited by a national  
5 organization shall not impose requirements on the school that  
6 conflict with the standards of the national organization.

7 (b) With respect to ~~complying~~ *compliance* with the requirements  
8 of this section, including the determination of equivalency between  
9 the education, training, or practical experience of an applicant and  
10 the board's standards, and obtaining state, federal, or private funds  
11 to support compliance with this section, the Department of Veterans  
12 Affairs, the Chancellor of the California State University, and the  
13 Chancellor of the California Community Colleges shall provide  
14 technical assistance to the boards under this division and to the  
15 schools under this section.

16 (c) *Nothing in this section shall interfere with an educational,*  
17 *certification, or licensing requirement or standard set by a*  
18 *licensing entity or certification board or other appropriate healing*  
19 *arts regulatory agency or entity, to practice health care in the*  
20 *state.*

21 SEC. 4. Section 131136 is added to the Health and Safety Code,  
22 to read:

23 131136. (a) Notwithstanding any other provision of law, the  
24 department shall, upon the presentation of satisfactory evidence  
25 by an applicant for licensure or certification in one of the  
26 professions described in subdivision (b), accept the education,  
27 training, and practical experience completed by the applicant as a  
28 member of the United States Armed Forces or Military Reserves  
29 of the United States, the national guard of any state, the military  
30 reserves of any state, or the naval militia of any state, toward the  
31 qualifications and requirements for licensure or certification by  
32 the department if the department determines that the education,  
33 training, or practical experience is equivalent to the standards of  
34 the department.

35 (b) The following professions are subject to this section:

36 (1) Medical laboratory technician as described in Section 1260.3  
37 of the Business and Professions Code.

38 (2) Clinical laboratory scientist as described in Section 1261 of  
39 the Business and Professions Code.

1 (3) Radiologic technologist as described in Chapter 6  
2 (commencing with Section 114840) of Part 9 of Division 104.

3 (4) Nuclear medicine technologist as described in Chapter 4  
4 (commencing with Section 107150) of Part 1 of Division 104.

5 (5) Certified nurse assistant as described in Article 9  
6 (commencing with Section 1337) of Chapter 2 of Division 2.

7 (6) Certified home health aide as described in Section 1736.1.

8 (7) Certified hemodialysis technician as described in Section  
9 1247.61 of the Business and Professions Code.

10 (8) Nursing home administrator as described in Section 1416.2.

11 (c) Not later than January 1, 2015, if the department accredits  
12 or otherwise approves schools offering educational course credit  
13 for meeting licensing and certification qualifications and  
14 requirements, the department shall require a school seeking  
15 accreditation or approval to submit to the board proof that the  
16 school has procedures in place to fully accept an applicant's  
17 military education, training, and practical experience toward the  
18 completion of an educational program that would qualify a person  
19 to apply for licensure or certification if the school determines that  
20 the education, training, or practical experience is equivalent to the  
21 standards of the department. If the department requires a school  
22 to be accredited by a national organization, the requirement of the  
23 department shall not, in any way, conflict with standards set by  
24 the national organization.

25 (d) With respect to complying with the requirements of this  
26 section including the determination of equivalency between the  
27 education, training, or practical experience of an applicant and the  
28 department's standards, and obtaining state, federal, or private  
29 funds to support compliance with this section, the Department of  
30 Veterans Affairs, the Chancellor of the California State University,  
31 and the Chancellor of the California Community Colleges shall  
32 provide technical assistance to the department, to the State Public  
33 Health Officer, and to the schools described in this section.

34 (e) *Nothing in this section shall interfere with an educational,*  
35 *certification, or licensing requirement or standard set by a*  
36 *licensing entity or certification board or other appropriate healing*  
37 *arts regulatory agency or entity, to practice health care in*  
38 *California.*

O

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 393  
**Author:** Assembly Member: Ken Cooley  
**Bill Date:** Introduced February 15, 2013  
**Subject:** Office of Business and Economic Development: Internet Web site  
**Sponsor:** California Small Business Association

**STATUS OF BILL:** Introduced on February 15, 2013; passed G.O. committee unanimously on 4/24/13; referred to Committee on Appropriations.

### **SUMMARY:**

This bill would require the Governor's Office of Business and Economic Development to create a website containing fee requirements and schedules.

### **EXISTING LAW:**

- Requires the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information to assist individuals with licensing, permitting and registration requirements for businesses.
- Requires regulatory boards and bureaus to provide licensing, registration, and permitting fees and requirements on their website.

### **THIS BILL WOULD:**

- Provide an all-inclusive website to access licensing, permitting and registration fees and requirements in one place to assist small business owners plan and manage their businesses.

### **BACKGROUND:**

According to the author, small businesses are required to pay a variety of fees to numerous state agencies throughout the year. Monitoring the various fees and requirements are burdensome to small businesses which already have limited capital and time. This bill will help small businesses to avoid unpaid fees, late charges and mismanagement of their finances by placing all of the requirements and fees on one central Web site.

**FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE. At the time this bill would become law; the BCE will be under DCA. All of this information is already collected in DCA's annual report and would be provided to the Governor's Office by the department.

**SUPPORT & OPPOSITION:****Support:**

- Association Builders and Contractors of California
- California Business Roundtable
- California Chamber of Commerce
- California League of Food Processors
- California Manufacturers and Technology Association
- California Restaurant Association
- California Small Business Association (Sponsor)
- California Taxpayers Association
- Carmichael Chamber of Commerce
- Citrus Heights Regional Chamber of Commerce
- Golden State Builders Exchanges
- Natural Federation of Independent Business
- Rancho Cordova Chamber of Commerce
- Small Business California
- United Contractors

Opposition: None on record

**ARGUMENTS:****Pro:**

- This bill will provide small business owners with a central place to find all state business requirements and fees.
- This bill will improve compliance with regulatory requirements and simplify the compliance burden on small businesses.
- The author states that this bill will reduce the administrative workload for state agencies.

**Con:**

- This will require significant time and resources by the Director of the Governor's Office of Business and Economic Development to implement and maintain this information.
- This Website may not provide all the information needed by the business owner, forcing them to access each agency's individual Web site.

**STAFF RECOMMENDED POSITION: NEUTRAL**

**ASSEMBLY BILL**

**No. 393**

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**Introduced by Assembly Member Cooley**

February 15, 2013

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An act to amend Section 12019.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 393, as introduced, Cooley. Office of Business and Economic Development: Internet Web site.

Existing law requires the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information to assist an individual with the licensing, permitting, and registration requirements necessary to start a business. Existing law also requires a state agency that the Governor determines has licensing authority to provide accurate updated information about its licensing requirements, as provided.

This bill would require the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information on the fee requirements and fee schedules of state agencies and would also require a state agency that the Governor determines has licensing authority to provide accurate updated information about its fee schedule, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12019.5 of the Government Code is  
2 amended to read:

3 12019.5. (a) The Director of the Governor's Office of Business  
4 and Economic Development shall ensure that the office's Internet  
5 Web site contains information on the licensing, permitting, and  
6 registration requirements of state agencies, and shall include, but  
7 not be limited to, information that does all of the following:

8 (1) Assists individuals with identifying the type of applications,  
9 forms, or other similar documents an applicant may need.

10 (2) Provides a digital copy of all state licensing, permitting, and  
11 registration applications, forms, or other similar documents where  
12 made available for download. If a direct link to a digital copy  
13 cannot be provided, the digital copy shall be posted and made  
14 easily accessible for download on the Internet Web site.

15 (3) Instructs individuals on how and where to submit  
16 applications, forms, or other similar documents.

17 *(b) The Director of the Governor's Office of Business and*  
18 *Economic Development shall ensure that the office's Internet Web*  
19 *site contains information on the fee requirements and fee schedules*  
20 *of state agencies, and shall include, but not be limited to,*  
21 *information that does all of the following:*

22 *(1) Assists individuals with identifying the types of fees and their*  
23 *due dates.*

24 *(2) Provides direct links to the fee requirements and fee*  
25 *schedules for all state agencies. If a direct link cannot be provided,*  
26 *the information shall be posted and made easily accessible on the*  
27 *office's Internet Web site.*

28 *(3) Instructs individuals on how and where to submit payments.*

29 ~~(b)~~

30 (c) The Governor shall ensure that the Internet Web site is user  
31 friendly and provides accurate, updated information.

32 ~~(e)~~

33 (d) (1) Each state agency that the Governor determines has  
34 licensing authority shall provide accurate updated information  
35 about its licensing requirements *and fee schedule*.

36 (2) A state agency shall not use the Internet Web site established  
37 under this section as the exclusive source of information for the  
38 public to access licensing requirements *and fees* for that agency.

1     ~~(d)~~  
2     (e) The Governor, or his or her designee, may impose a  
3 reasonable fee, not to exceed the actual cost to provide the service,  
4 as a condition of accessing information on the Internet Web site  
5 established under ~~subdivision (a)~~ *subdivisions (a) and (b)*.

O

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 512  
**Author:** Rendon  
**Bill Date:** Introduced – 02/20/2013  
**Subject:** Healing Arts: Licensure Exemption  
**Sponsor:** County of Los Angeles.

**STATUS OF BILL:** Passed Assembly Floor (74-0) on 04/25/13. Currently pending in Senate.

### **SUMMARY:**

This bill would extend the sunset date for an existing law that allows out-of-state medical practitioners to volunteer their services at specified health care events for uninsured or underinsured persons in California.

### **EXISTING LAW:**

- Establishes the Chiropractic Initiative Act, approved by voters on November 7, 1922, to regulate the practice of chiropractors.
- Requires the Board of Chiropractic Examiners, upon receipt of a specified fee, to issue a license to any person licensed to practice chiropractic in another state, provided that the other state had the same general requirements as California at the time the license was issued, and that the other state grants reciprocal registration.
- Provides that in a state of emergency, as defined, a health care practitioner licensed in another state that offers or provides health care for which he or she is licensed, is exempt from licensure.
- Establishes reciprocity eligibility requirements for certain health care practitioners who are licensed in other states, including physicians and surgeons, nurses, and dentists.
- Exempts from state licensure, until January 1, 2014, health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California.

### **THIS BILL WOULD:**

Extend from 2014 to 2018, the sunset date of the California licensure exemption for specified health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California.

## **BACKGROUND:**

AB 2699 (Bass), Chapter 270, Statutes of 2010, created a four-year exemption from California licensure for health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California. That bill allowed an out-of-state healthcare provider to work in California if his or her license is in good standing and he or she receives permission from, and registers with, the appropriate Department of Consumer Affairs licensing board. The entity sponsoring the free health care event is required to notify the appropriate DCA licensing board and the county health department in writing of the event and maintain a list of its healthcare volunteers. Many healing arts boards have not yet promulgated regulations to implement AB 2699.

This bill is intended to give those boards that have not yet passed regulations more time to do so.

## **FISCAL IMPACT:**

Likely minor, absorbable impact to the BCE. The Board will need to adopt regulations to allow out-of-state licensees to participate in sponsored health events. The existing law (AB 2699) authorizes regulatory boards to collect a fee to cover the cost of processing requests. To date, the BCE has not receive any requests to participate in these events and we don't anticipate a significant number of request going forward.

## **SUPPORT & OPPOSITION:**

Support: Los Angeles County (sponsor)  
Association of California Healthcare Districts

Opposition: California Nurses Association  
American Nurses Association of California

## **ARGUMENTS:**

### **Pro:**

The bill's sponsor, Los Angeles County, argues that::

- There are more than two million uninsured persons in Los Angeles County, alone.
- Even with the beginning of health care reform implementation in January 2014, there will still remain a residually uninsured population who will continue to benefit from the health sponsored events, such as the Care Harbor Health Events in Los Angeles.
- Extending AB 2699's provisions to 2018 will continue to provide access to needed health care and dental services to uninsured and underinsured persons.

Con:

Opponents argue that:

- The scope of services provided at the free events targeted by the law is broad, and may include several invasive procedures.
- Un- and underinsured patients deserve to have the protection of state enforcement when undergoing any procedures.
- It is unfair to burden un- and underinsured patients with the costs and challenges of suing a practitioner who lives in another state.
- Un- and underinsured patients should have the same rights as everyone else to seek help from the appropriate state regulatory board if they have been harmed or injured by a healing arts practitioner, or if they believe that the practitioner has otherwise not practiced in accordance with California state laws."

**STAFF RECOMMENDED POSITION:**

**NEUTRAL** – This bill extends the effective date of a law that is already in place and that has not had an impact on BCE. The BCE anticipate minimal, if any, future impact if the existing law is extended pursuant to this bill.

**ASSEMBLY BILL**

**No. 512**

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**Introduced by Assembly Member Rendon**

February 20, 2013

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An act to amend Section 901 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 512, as introduced, Rendon. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

Existing law provides, until January 1, 2014, an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in good standing in another state or states, who offers or provides health care services for which he or she is licensed or certified through a sponsored event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. Existing law also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing

board, as defined, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board.

This bill would delete the January 1, 2014, date of repeal, and instead allow the exemption to operate until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 901 of the Business and Professions Code  
2 is amended to read:

3 901. (a) For purposes of this section, the following provisions  
4 apply:

5 (1) "Board" means the applicable healing arts board, under this  
6 division or an initiative act referred to in this division, responsible  
7 for the licensure or regulation in this state of the respective health  
8 care practitioners.

9 (2) "Health care practitioner" means any person who engages  
10 in acts that are subject to licensure or regulation under this division  
11 or under any initiative act referred to in this division.

12 (3) "Sponsored event" means an event, not to exceed 10 calendar  
13 days, administered by either a sponsoring entity or a local  
14 government, or both, through which health care is provided to the  
15 public without compensation to the health care practitioner.

16 (4) "Sponsoring entity" means a nonprofit organization  
17 organized pursuant to Section 501(c)(3) of the Internal Revenue  
18 Code or a community-based organization.

19 (5) "Uninsured or underinsured person" means a person who  
20 does not have health care coverage, including private coverage or  
21 coverage through a program funded in whole or in part by a  
22 governmental entity, or a person who has health care coverage,  
23 but the coverage is not adequate to obtain those health care services  
24 offered by the health care practitioner under this section.

25 (b) A health care practitioner licensed or certified in good  
26 standing in another state, district, or territory of the United States  
27 who offers or provides health care services for which he or she is  
28 licensed or certified is exempt from the requirement for licensure  
29 if all of the following requirements are met:

30 (1) Prior to providing those services, he or she does all of the  
31 following:

1 (A) Obtains authorization from the board to participate in the  
2 sponsored event after submitting to the board a copy of his or her  
3 valid license or certificate from each state in which he or she holds  
4 licensure or certification and a photographic identification issued  
5 by one of the states in which he or she holds licensure or  
6 certification. The board shall notify the sponsoring entity, within  
7 20 calendar days of receiving a request for authorization, whether  
8 that request is approved or denied, provided that, if the board  
9 receives a request for authorization less than 20 days prior to the  
10 date of the sponsored event, the board shall make reasonable efforts  
11 to notify the sponsoring entity whether that request is approved or  
12 denied prior to the date of that sponsored event.

13 (B) Satisfies the following requirements:

14 (i) The health care practitioner has not committed any act or  
15 been convicted of a crime constituting grounds for denial of  
16 licensure or registration under Section 480 and is in good standing  
17 in each state in which he or she holds licensure or certification.

18 (ii) The health care practitioner has the appropriate education  
19 and experience to participate in a sponsored event, as determined  
20 by the board.

21 (iii) The health care practitioner shall agree to comply with all  
22 applicable practice requirements set forth in this division and the  
23 regulations adopted pursuant to this division.

24 (C) Submits to the board, on a form prescribed by the board, a  
25 request for authorization to practice without a license, and pays a  
26 fee, in an amount determined by the board by regulation, which  
27 shall be available, upon appropriation, to cover the cost of  
28 developing the authorization process and processing the request.

29 (2) The services are provided under all of the following  
30 circumstances:

31 (A) To uninsured or underinsured persons.

32 (B) On a short-term voluntary basis, not to exceed a  
33 10-calendar-day period per sponsored event.

34 (C) In association with a sponsoring entity that complies with  
35 subdivision (d).

36 (D) Without charge to the recipient or to a third party on behalf  
37 of the recipient.

38 (c) The board may deny a health care practitioner authorization  
39 to practice without a license if the health care practitioner fails to



1 comply with this section or for any act that would be grounds for  
2 denial of an application for licensure.

3 (d) A sponsoring entity seeking to provide, or arrange for the  
4 provision of, health care services under this section shall do both  
5 of the following:

6 (1) Register with each applicable board under this division for  
7 which an out-of-state health care practitioner is participating in  
8 the sponsored event by completing a registration form that shall  
9 include all of the following:

10 (A) The name of the sponsoring entity.

11 (B) The name of the principal individual or individuals who are  
12 the officers or organizational officials responsible for the operation  
13 of the sponsoring entity.

14 (C) The address, including street, city, ZIP Code, and county,  
15 of the sponsoring entity's principal office and each individual listed  
16 pursuant to subparagraph (B).

17 (D) The telephone number for the principal office of the  
18 sponsoring entity and each individual listed pursuant to  
19 subparagraph (B).

20 (E) Any additional information required by the board.

21 (2) Provide the information listed in paragraph (1) to the county  
22 health department of the county in which the health care services  
23 will be provided, along with any additional information that may  
24 be required by that department.

25 (e) The sponsoring entity shall notify the board and the county  
26 health department described in paragraph (2) of subdivision (d) in  
27 writing of any change to the information required under subdivision  
28 (d) within 30 calendar days of the change.

29 (f) Within 15 calendar days of the provision of health care  
30 services pursuant to this section, the sponsoring entity shall file a  
31 report with the board and the county health department of the  
32 county in which the health care services were provided. This report  
33 shall contain the date, place, type, and general description of the  
34 care provided, along with a listing of the health care practitioners  
35 who participated in providing that care.

36 (g) The sponsoring entity shall maintain a list of health care  
37 practitioners associated with the provision of health care services  
38 under this section. The sponsoring entity shall maintain a copy of  
39 each health care practitioner's current license or certification and  
40 shall require each health care practitioner to attest in writing that

1 his or her license or certificate is not suspended or revoked pursuant  
2 to disciplinary proceedings in any jurisdiction. The sponsoring  
3 entity shall maintain these records for a period of at least five years  
4 following the provision of health care services under this section  
5 and shall, upon request, furnish those records to the board or any  
6 county health department.

7 (h) A contract of liability insurance issued, amended, or renewed  
8 in this state on or after January 1, 2011, shall not exclude coverage  
9 of a health care practitioner or a sponsoring entity that provides,  
10 or arranges for the provision of, health care services under this  
11 section, provided that the practitioner or entity complies with this  
12 section.

13 (i) Subdivision (b) shall not be construed to authorize a health  
14 care practitioner to render care outside the scope of practice  
15 authorized by his or her license or certificate or this division.

16 (j) (1) The board may terminate authorization for a health care  
17 practitioner to provide health care services pursuant to this section  
18 for failure to comply with this section, any applicable practice  
19 requirement set forth in this division, any regulations adopted  
20 pursuant to this division, or for any act that would be grounds for  
21 discipline if done by a licensee of that board.

22 (2) The board shall provide both the sponsoring entity and the  
23 health care practitioner with a written notice of termination  
24 including the basis for that termination. The health care practitioner  
25 may, within 30 days after the date of the receipt of notice of  
26 termination, file a written appeal to the board. The appeal shall  
27 include any documentation the health care practitioner wishes to  
28 present to the board.

29 (3) A health care practitioner whose authorization to provide  
30 health care services pursuant to this section has been terminated  
31 shall not provide health care services pursuant to this section unless  
32 and until a subsequent request for authorization has been approved  
33 by the board. A health care practitioner who provides health care  
34 services in violation of this paragraph shall be deemed to be  
35 practicing health care in violation of the applicable provisions of  
36 this division, and be subject to any applicable administrative, civil,  
37 or criminal fines, penalties, and other sanctions provided in this  
38 division.

39 (k) The provisions of this section are severable. If any provision  
40 of this section or its application is held invalid, that invalidity shall

1 not affect other provisions or applications that can be given effect  
2 without the invalid provision or application.

3 (D) This section shall remain in effect only until January 1, ~~2014~~,  
4 2018, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, ~~2014~~, 2018, deletes or extends  
6 that date.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 722  
**Author:** Assembly Member Bonnie Lowenthal  
**Bill Version:** Amended April 1, 2013  
**Subject:** Vehicles: driver's licenses: medical examinations  
**Sponsor:** California Chiropractic Association  
The Southern California University of Health Services

**STATUS OF BILL:** Introduced on February 21, 2013; amended and passed Assembly on 4/15/13 (77-0), referred to Sen. Comm. on Transportation & Housing.

### **SUMMARY:**

This bill would add doctors of chiropractic to the list of certified medical examiners authorized to perform physical medical examinations of applicants for specified driver's licenses.

### **EXISTING LAW:**

- The Vehicle Code requires applicants for an original driver's license or renewal certificate to drive a school bus, school pupil bus, youth bus, general public paratransit vehicle, or farm labor vehicle to undergo and pass a physical medical examination.
- Precludes chiropractors from performing medical examinations on persons under the age of 65 for this purpose.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.

### **THIS BILL WOULD:**

- Authorize a licensed doctor of chiropractic listed on the current National Registry of Certified Medical Examiners to perform medical examinations of applicants for specified driver's licenses.
- Clarify that all licensed medical examiners, including chiropractors, that perform physical examinations for commercial license applicants must be in compliance with federal requirements.

### **BACKGROUND:**

Persons applying for a driver's license or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle are required to undergo and pass a physical examination. Current law allows

the medical examination to be performed by a physician licensed to practice medicine, a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant. Existing law also prohibits chiropractors from performing physical examinations for this purpose on patients under the age of 65. Recently, the Federal Motor Carrier Safety Administration promulgated new regulations to require all providers performing the mandatory U.S. Dept. of Transportation (DOT) medical examinations to be certified and listed on the National Registry of Certified Medical Examiners by April 21, 2014. The DOT defines "medical examiner" as including medical doctors, doctors of osteopathy, physician assistants, advanced practice nurses and doctors of chiropractic. Doctors of chiropractic are educated and trained as a health care portal of entry and primary care providers. As such, they have performed identical medical evaluations of patients for other purposes and should not be excluded from performing physical examinations of bus and farm equipment drivers.

**FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE.

**SUPPORT & OPPOSITION:**

Support:

- California Chiropractic Association
- The Southern California University of Health Services

Opposition: None on record

**ARGUMENTS:**

Pro:

- This bill will provide applicants for licenses to drive buses and farm equipment with another health care provider option to perform their physical examination.
- Chiropractic medical examinations may be more accessible and affordable for applicants in rural areas.
- This bill will provide consistency between federal and state regulations.

Con: None

**STAFF RECOMMENDED POSITION: SUPPORT**

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 722**

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**Introduced by Assembly Member Lowenthal**

February 21, 2013

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An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as amended, Lowenthal. Vehicles: driver's licenses: medical examinations.

Existing law requires applicants for an original or renewal certificate to drive a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle to submit a report, on a form approved by the department, of a medical examination of the applicant given not more than 2 years prior to the date of the application by a physician licensed to practice medicine, a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant.

This bill would add a doctor of chiropractic *and a certified medical examiner, as specified*, to the list of persons who may make a report of a medical examination of the specified applicants.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12517.2 of the Vehicle Code is amended  
2     to read:

1 12517.2. (a) Applicants for an original or renewal certificate  
2 to drive a schoolbus, school pupil activity bus, youth bus, general  
3 public paratransit vehicle, or farm labor vehicle shall submit a  
4 report of a medical examination of the applicant given not more  
5 than two years prior to the date of the application by a physician  
6 licensed to practice medicine, a licensed advanced practice  
7 registered nurse qualified to perform a medical examination, a  
8 licensed physician assistant, ~~or a doctor of chiropractic.~~ *a licensed*  
9 *doctor of chiropractic, or a licensed medical examiner listed on*  
10 *the most current National Registry of Certified Medical Examiners,*  
11 *as adopted by the United States Department of Transportation, as*  
12 *published by the notice in the Federal Register, Volume 77, Number*  
13 *77, Friday, April 20, 2012, on pages 24104 to 24135, inclusive,*  
14 *and pursuant to Section 391.42 of Title 49 of the Code of Federal*  
15 *Regulations.* The report shall be on a form approved by the  
16 department.  
17 (b) Schoolbus drivers, within the same month of reaching 65  
18 years of age and each 12th month thereafter, shall undergo a  
19 medical examination, pursuant to Section 12804.9, and shall submit  
20 a report of that medical examination on a form as specified in  
21 subdivision (a).

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 1003  
**Author:** Assembly Member: Brian Maienschein  
**Bill Date:** Amended April 1, 2013  
**Subject:** Professional Corporations: healing arts practitioners  
**Sponsor:** California Medical Association

**STATUS OF BILL:** Introduced on February 22, 2013; amended and re-referred to Committee on B.P.&C.P. Hearing scheduled for April 30, 2013.

### **SUMMARY:**

This bill would permit professional corporations to employ licensed professionals not specifically listed in the Corporations Code.

### **EXISTING LAW:**

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.
- The Moscone-Knox Professional Corporation Act provides for the organization of a professional corporation to render professional services.
- The Moscone-Knox Professional Corporation Act authorizes specified healing arts practitioners to be shareholders, officers, directors, or professional employees of a designated professional corporation.

### **THIS BILL WOULD:**

- Expand the list of licensed professionals eligible for employment by a professional corporation to persons licensed under the Business and Professions Code, The Chiropractic Act, or the Osteopathic Act.

### **BACKGROUND:**

According to the author, as early as 1979, the Attorney General's Office issued an opinion confirming that a general corporation could engage in physical therapy practice through its licensed physical therapist employees. Thereafter, the Physical Therapy Board (formerly known as the Physical Therapy Examining Committee) adopted a resolution confirming lay-ownership of a general corporation offering physical therapy services. Similarly, since professional corporations are a subset of general



corporations, it was determined that professional corporations could offer physical therapy services through its licensed physical therapists. On November 3, 2010, the Physical Therapy Board rescinded their policy regarding physical therapists employed by professional corporations in response to a non-legally binding Legislative Council opinion release in September of 2010. This rescission threatens the current employment of licensed physical therapists employed by professional corporations.

**FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE.

**SUPPORT & OPPOSITION:**

Support:

- California Medical Association

Opposition: None on record

**ARGUMENTS:**

Pro:

- This bill will provide quality of care by eliminating an interruption in the line of communication between physicians and the licensed professionals assisting in the patient's care.
- This bill will allow for continuity of care by distributing patient care among specified licensed health care professionals.
- This bill will protect the jobs of thousands of physical therapists employed by professional corporations.
- This bill will allow chiropractic corporations that offer multi-faceted health care to patients a broader range of services through licensed professional employees.

Con: None known

**STAFF RECOMMENDED POSITION: NEUTRAL**

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1003**

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**Introduced by Assembly Member Maienschein**

February 22, 2013

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An act to amend 13401.5 of the Corporations Code, relating to professional corporations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1003, as amended, Maienschein. Professional corporations: healing arts practitioners.

The Moscone-Knox Professional Corporation Act provides for the organization of a corporation under certain existing law for the purposes of qualifying as a professional corporation under that act and rendering professional services. The act defines a professional corporation as a corporation organized under the General Corporation Law or pursuant to specified law that is engaged in rendering professional services in a single profession, except as otherwise authorized in the act, pursuant to a certificate of registration issued by the governmental agency regulating the profession and that in its practice or business designates itself as a professional or other corporation as may be required by statute. The act authorizes specified listed types of healing arts practitioners to be shareholders, officers, directors, or professional employees of a designated professional corporation, subject to certain limitations relating to ownership of shares.

~~This bill would delete professional employees from that authorization; and, instead, would provide that those provisions do not limit the employment of persons duly licensed under the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render professional~~

services, by a designated professional corporation, to the listed licensed professionals specified in the provisions *specify that those provisions do not limit the employment by a professional corporation to only those specified licensed professionals. The bill would authorize any person duly licensed under the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to be employed to render professional services by a professional corporation.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13401.5 of the Corporations Code is  
2     amended to read:

3     13401.5. Notwithstanding subdivision (d) of Section 13401  
4     and any other provision of law, the following licensed persons  
5     may be shareholders, officers, directors, or professional employees  
6     of the professional corporations designated in this section so long  
7     as the sum of all shares owned by those licensed persons does not  
8     exceed 49 percent of the total number of shares of the professional  
9     corporation so designated herein, and so long as the number of  
10    those licensed persons owning shares in the professional  
11    corporation so designated herein does not exceed the number of  
12    persons licensed by the governmental agency regulating the  
13    designated professional corporation. *This section does not limit*  
14    *the employment by a professional corporation designated in this*  
15    *section to only those licensed professionals listed under each*  
16    *subdivision. Any person duly licensed under the Business and*  
17    *Professions Code, the Chiropractic Act, or the Osteopathic Act*  
18    *may be employed to render professional services by a professional*  
19    *corporation designated in this section.*

20    (a) Medical corporation.

21    (1) Licensed doctors of podiatric medicine.

22    (2) Licensed psychologists.

23    (3) Registered nurses.

24    (4) Licensed optometrists.

25    (5) Licensed marriage and family therapists.

26    (6) Licensed clinical social workers.

27    (7) Licensed physician assistants.

28    (8) Licensed chiropractors.

- 1 (9) Licensed acupuncturists.
- 2 (10) Naturopathic doctors.
- 3 (11) Licensed professional clinical counselors.
- 4 (b) Podiatric medical corporation.
- 5 (1) Licensed physicians and surgeons.
- 6 (2) Licensed psychologists.
- 7 (3) Registered nurses.
- 8 (4) Licensed optometrists.
- 9 (5) Licensed chiropractors.
- 10 (6) Licensed acupuncturists.
- 11 (7) Naturopathic doctors.
- 12 (c) Psychological corporation.
- 13 (1) Licensed physicians and surgeons.
- 14 (2) Licensed doctors of podiatric medicine.
- 15 (3) Registered nurses.
- 16 (4) Licensed optometrists.
- 17 (5) Licensed marriage and family therapists.
- 18 (6) Licensed clinical social workers.
- 19 (7) Licensed chiropractors.
- 20 (8) Licensed acupuncturists.
- 21 (9) Naturopathic doctors.
- 22 (10) Licensed professional clinical counselors.
- 23 (d) Speech-language pathology corporation.
- 24 (1) Licensed audiologists.
- 25 (e) Audiology corporation.
- 26 (1) Licensed speech-language pathologists.
- 27 (f) Nursing corporation.
- 28 (1) Licensed physicians and surgeons.
- 29 (2) Licensed doctors of podiatric medicine.
- 30 (3) Licensed psychologists.
- 31 (4) Licensed optometrists.
- 32 (5) Licensed marriage and family therapists.
- 33 (6) Licensed clinical social workers.
- 34 (7) Licensed physician assistants.
- 35 (8) Licensed chiropractors.
- 36 (9) Licensed acupuncturists.
- 37 (10) Naturopathic doctors.
- 38 (11) Licensed professional clinical counselors.
- 39 (g) Marriage and family therapist corporation.
- 40 (1) Licensed physicians and surgeons.

- 1 (2) Licensed psychologists.
- 2 (3) Licensed clinical social workers.
- 3 (4) Registered nurses.
- 4 (5) Licensed chiropractors.
- 5 (6) Licensed acupuncturists.
- 6 (7) Naturopathic doctors.
- 7 (8) Licensed professional clinical counselors.
- 8 (h) Licensed clinical social worker corporation.
- 9 (1) Licensed physicians and surgeons.
- 10 (2) Licensed psychologists.
- 11 (3) Licensed marriage and family therapists.
- 12 (4) Registered nurses.
- 13 (5) Licensed chiropractors.
- 14 (6) Licensed acupuncturists.
- 15 (7) Naturopathic doctors.
- 16 (8) Licensed professional clinical counselors.
- 17 (i) Physician assistants corporation.
- 18 (1) Licensed physicians and surgeons.
- 19 (2) Registered nurses.
- 20 (3) Licensed acupuncturists.
- 21 (4) Naturopathic doctors.
- 22 (j) Optometric corporation.
- 23 (1) Licensed physicians and surgeons.
- 24 (2) Licensed doctors of podiatric medicine.
- 25 (3) Licensed psychologists.
- 26 (4) Registered nurses.
- 27 (5) Licensed chiropractors.
- 28 (6) Licensed acupuncturists.
- 29 (7) Naturopathic doctors.
- 30 (k) Chiropractic corporation.
- 31 (1) Licensed physicians and surgeons.
- 32 (2) Licensed doctors of podiatric medicine.
- 33 (3) Licensed psychologists.
- 34 (4) Registered nurses.
- 35 (5) Licensed optometrists.
- 36 (6) Licensed marriage and family therapists.
- 37 (7) Licensed clinical social workers.
- 38 (8) Licensed acupuncturists.
- 39 (9) Naturopathic doctors.
- 40 (10) Licensed professional clinical counselors.

- 1 (l) Acupuncture corporation.
- 2 (1) Licensed physicians and surgeons.
- 3 (2) Licensed doctors of podiatric medicine.
- 4 (3) Licensed psychologists.
- 5 (4) Registered nurses.
- 6 (5) Licensed optometrists.
- 7 (6) Licensed marriage and family therapists.
- 8 (7) Licensed clinical social workers.
- 9 (8) Licensed physician assistants.
- 10 (9) Licensed chiropractors.
- 11 (10) Naturopathic doctors.
- 12 (11) Licensed professional clinical counselors.
- 13 (m) Naturopathic doctor corporation.
- 14 (1) Licensed physicians and surgeons.
- 15 (2) Licensed psychologists.
- 16 (3) Registered nurses.
- 17 (4) Licensed physician assistants.
- 18 (5) Licensed chiropractors.
- 19 (6) Licensed acupuncturists.
- 20 (7) Licensed physical therapists.
- 21 (8) Licensed doctors of podiatric medicine.
- 22 (9) Licensed marriage and family therapists.
- 23 (10) Licensed clinical social workers.
- 24 (11) Licensed optometrists.
- 25 (12) Licensed professional clinical counselors.
- 26 (n) Dental corporation.
- 27 (1) Licensed physicians and surgeons.
- 28 (2) Dental assistants.
- 29 (3) Registered dental assistants.
- 30 (4) Registered dental assistants in extended functions.
- 31 (5) Registered dental hygienists.
- 32 (6) Registered dental hygienists in extended functions.
- 33 (7) Registered dental hygienists in alternative practice.
- 34 (o) Professional clinical counselor corporation.
- 35 (1) Licensed physicians and surgeons.
- 36 (2) Licensed psychologists.
- 37 (3) Licensed clinical social workers.
- 38 (4) Licensed marriage and family therapists.
- 39 (5) Registered nurses.
- 40 (6) Licensed chiropractors.

1 (7) Licensed acupuncturists.

2 (8) Naturopathic doctors.

3 ~~SECTION 1. Section 13401.5 of the Corporations Code is~~  
4 ~~amended to read:~~

5 ~~13401.5. (a) Notwithstanding subdivision (d) of Section 13401~~  
6 ~~and any other provision of law, the following licensed persons~~  
7 ~~may be shareholders, officers, or directors of the professional~~  
8 ~~corporations designated in this section so long as the sum of all~~  
9 ~~shares owned by those licensed persons does not exceed 49 percent~~  
10 ~~of the total number of shares of the professional corporation so~~  
11 ~~designated herein, and so long as the number of those licensed~~  
12 ~~persons owning shares in the professional corporation so designated~~  
13 ~~herein does not exceed the number of persons licensed by the~~  
14 ~~governmental agency regulating the designated professional~~  
15 ~~corporation:~~

16 ~~(1) Medical corporation:~~

17 ~~(A) Licensed doctors of podiatric medicine.~~

18 ~~(B) Licensed psychologists.~~

19 ~~(C) Registered nurses.~~

20 ~~(D) Licensed optometrists.~~

21 ~~(E) Licensed marriage and family therapists.~~

22 ~~(F) Licensed clinical social workers.~~

23 ~~(G) Licensed physician assistants.~~

24 ~~(H) Licensed chiropractors.~~

25 ~~(I) Licensed acupuncturists.~~

26 ~~(J) Naturopathic doctors.~~

27 ~~(K) Licensed professional clinical counselors.~~

28 ~~(2) Podiatric medical corporation:~~

29 ~~(A) Licensed physicians and surgeons.~~

30 ~~(B) Licensed psychologists.~~

31 ~~(C) Registered nurses.~~

32 ~~(D) Licensed optometrists.~~

33 ~~(E) Licensed chiropractors.~~

34 ~~(F) Licensed acupuncturists.~~

35 ~~(G) Naturopathic doctors.~~

36 ~~(3) Psychological corporation:~~

37 ~~(A) Licensed physicians and surgeons.~~

38 ~~(B) Licensed doctors of podiatric medicine.~~

39 ~~(C) Registered nurses.~~

40 ~~(D) Licensed optometrists.~~

- 1 ~~(E) Licensed marriage and family therapists.~~
- 2 ~~(F) Licensed clinical social workers.~~
- 3 ~~(G) Licensed chiropractors.~~
- 4 ~~(H) Licensed acupuncturists.~~
- 5 ~~(I) Naturopathic doctors.~~
- 6 ~~(J) Licensed professional clinical counselors.~~
- 7 ~~(4) Speech-language pathology corporation.~~
- 8 ~~(A) Licensed audiologists.~~
- 9 ~~(5) Audiology corporation.~~
- 10 ~~(A) Licensed speech-language pathologists.~~
- 11 ~~(6) Nursing corporation.~~
- 12 ~~(A) Licensed physicians and surgeons.~~
- 13 ~~(B) Licensed doctors of podiatric medicine.~~
- 14 ~~(C) Licensed psychologists.~~
- 15 ~~(D) Licensed optometrists.~~
- 16 ~~(E) Licensed marriage and family therapists.~~
- 17 ~~(F) Licensed clinical social workers.~~
- 18 ~~(G) Licensed physician assistants.~~
- 19 ~~(H) Licensed chiropractors.~~
- 20 ~~(I) Licensed acupuncturists.~~
- 21 ~~(J) Naturopathic doctors.~~
- 22 ~~(K) Licensed professional clinical counselors.~~
- 23 ~~(7) Marriage and family therapist corporation.~~
- 24 ~~(A) Licensed physicians and surgeons.~~
- 25 ~~(B) Licensed psychologists.~~
- 26 ~~(C) Licensed clinical social workers.~~
- 27 ~~(D) Registered nurses.~~
- 28 ~~(E) Licensed chiropractors.~~
- 29 ~~(F) Licensed acupuncturists.~~
- 30 ~~(G) Naturopathic doctors.~~
- 31 ~~(H) Licensed professional clinical counselors.~~
- 32 ~~(8) Licensed clinical social worker corporation.~~
- 33 ~~(A) Licensed physicians and surgeons.~~
- 34 ~~(B) Licensed psychologists.~~
- 35 ~~(C) Licensed marriage and family therapists.~~
- 36 ~~(D) Registered nurses.~~
- 37 ~~(E) Licensed chiropractors.~~
- 38 ~~(F) Licensed acupuncturists.~~
- 39 ~~(G) Naturopathic doctors.~~
- 40 ~~(H) Licensed professional clinical counselors.~~



- 1 ~~(9) Physician assistants corporation.~~
- 2 ~~(A) Licensed physicians and surgeons.~~
- 3 ~~(B) Registered nurses.~~
- 4 ~~(C) Licensed acupuncturists.~~
- 5 ~~(D) Naturopathic doctors.~~
- 6 ~~(10) Optometric corporation.~~
- 7 ~~(A) Licensed physicians and surgeons.~~
- 8 ~~(B) Licensed doctors of podiatric medicine.~~
- 9 ~~(C) Licensed psychologists.~~
- 10 ~~(D) Registered nurses.~~
- 11 ~~(E) Licensed chiropractors.~~
- 12 ~~(F) Licensed acupuncturists.~~
- 13 ~~(G) Naturopathic doctors.~~
- 14 ~~(11) Chiropractic corporation.~~
- 15 ~~(A) Licensed physicians and surgeons.~~
- 16 ~~(B) Licensed doctors of podiatric medicine.~~
- 17 ~~(C) Licensed psychologists.~~
- 18 ~~(D) Registered nurses.~~
- 19 ~~(E) Licensed optometrists.~~
- 20 ~~(F) Licensed marriage and family therapists.~~
- 21 ~~(G) Licensed clinical social workers.~~
- 22 ~~(H) Licensed acupuncturists.~~
- 23 ~~(I) Naturopathic doctors.~~
- 24 ~~(J) Licensed professional clinical counselors.~~
- 25 ~~(12) Acupuncture corporation.~~
- 26 ~~(A) Licensed physicians and surgeons.~~
- 27 ~~(B) Licensed doctors of podiatric medicine.~~
- 28 ~~(C) Licensed psychologists.~~
- 29 ~~(D) Registered nurses.~~
- 30 ~~(E) Licensed optometrists.~~
- 31 ~~(F) Licensed marriage and family therapists.~~
- 32 ~~(G) Licensed clinical social workers.~~
- 33 ~~(H) Licensed physician assistants.~~
- 34 ~~(I) Licensed chiropractors.~~
- 35 ~~(J) Naturopathic doctors.~~
- 36 ~~(K) Licensed professional clinical counselors.~~
- 37 ~~(13) Naturopathic doctor corporation.~~
- 38 ~~(A) Licensed physicians and surgeons.~~
- 39 ~~(B) Licensed psychologists.~~
- 40 ~~(C) Registered nurses.~~

- 1 ~~(D) Licensed physician assistants.~~
- 2 ~~(E) Licensed chiropractors.~~
- 3 ~~(F) Licensed acupuncturists.~~
- 4 ~~(G) Licensed physical therapists.~~
- 5 ~~(H) Licensed doctors of podiatric medicine.~~
- 6 ~~(I) Licensed marriage and family therapists.~~
- 7 ~~(J) Licensed clinical social workers.~~
- 8 ~~(K) Licensed optometrists.~~
- 9 ~~(L) Licensed professional clinical counselors.~~
- 10 ~~(14) Dental corporation.~~
- 11 ~~(A) Licensed physicians and surgeons.~~
- 12 ~~(B) Dental assistants.~~
- 13 ~~(C) Registered dental assistants.~~
- 14 ~~(D) Registered dental assistants in extended functions.~~
- 15 ~~(E) Registered dental hygienists.~~
- 16 ~~(F) Registered dental hygienists in extended functions.~~
- 17 ~~(G) Registered dental hygienists in alternative practice.~~
- 18 ~~(15) Professional clinical counselor corporation.~~
- 19 ~~(A) Licensed physicians and surgeons.~~
- 20 ~~(B) Licensed psychologists.~~
- 21 ~~(C) Licensed clinical social workers.~~
- 22 ~~(D) Licensed marriage and family therapists.~~
- 23 ~~(E) Registered nurses.~~
- 24 ~~(F) Licensed chiropractors.~~
- 25 ~~(G) Licensed acupuncturists.~~
- 26 ~~(H) Naturopathic doctors.~~
- 27 ~~(b) This section does not limit the employment of persons duly~~
- 28 ~~licensed under the Business and Professions Code, the Chiropractic~~
- 29 ~~Act, or the Osteopathic Act to render professional services, by a~~
- 30 ~~professional corporation designated in the section, to the licensed~~
- 31 ~~professionals listed under each paragraph of subdivision (a).~~

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 46  
**Author:** Senator: Ellen Corbett  
**Bill Date:** Amended April 15, 2013  
**Subject:** Personal Information: privacy  
**Sponsor:** Author

**STATUS OF BILL:** Introduced on February 22, 2013; passed Sen. Judiciary on 4/23/13 (6-0); referred to Sen. Appropriations Comm.; hearing set for May 6, 2013.

### **SUMMARY:**

This bill would strengthen computer account data security for the public by expanding the scope of personal information applicable to security breach disclosure requirements for all California entities and businesses who maintain personal information on clients or customers.

### **EXISTING LAW:**

- Requires the state and any person or company that conducts business in California and maintains computerized data about a client or customer, to notify the client or customer when they reasonably believe an unauthorized person has acquired their information which includes social security numbers, driver's license numbers, medical information, health insurance information, and specific financial account information such as credit card numbers and security codes.
- Defines personal information to include the individual's first name or first initial and last name in combination with one or more of the following data elements, when either the name or the data elements are not encrypted: social security number; driver's license number or California Identification Card number; account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account; medical information; or health insurance information

### **THIS BILL WOULD:**

- Revise data elements included in the definition of personal information that would permit access to an online account to include a user name or email address, in combination with a password or security question and answer that would permit access to an online account.

- Provides real-time notification of breaches to a client's password, username, or answers to security questions so that clients can change their access information to protect their account expeditiously.

### **BACKGROUND:**

According to the author, most people use a smartphone, tablet, laptop or desk computer to conduct personal business and shopping which can be risky, even with high-security software. Notification of a breach of security is generally received well after the breach occurred, which is too late for the customer to prevent or minimize theft or damages. This bill will ensure swifter notification of security breaches to a client's or customer's online data.

### **FISCAL IMPACT:**

This bill would not have an immediate fiscal impact upon the BCE as the BCE does not currently have on-line access to a licensee's account (i.e. license renewal, etc.). However, once the BCE has transitioned to BreZE, this feature may be offered to our licensees. If online license renewal is offered to the BCE, the fiscal impact would be minimal as DCA would be responsible for monitoring and notifying affected licensees of security breaches.

### **SUPPORT & OPPOSITION:**

Support:

- Privacy Rights Clearinghouse
- California Attorney General
- 

Opposition: None on record

### **ARGUMENTS:**

Pro:

- This bill will strengthen security measures by expanding the scope of "personal information" to notify clients of a breach to their personal on-line information.
- The expansion of personal information will require clients to be notified immediately of a breach to their personal information, allowing clients to change access codes to protect their personal information.

Con: Unknown

### **STAFF RECOMMENDED POSITION:**

**NEUTRAL** – The BCE will not immediately be affected by the provisions of this bill and if online licensing is implemented in the future, DCA will be responsible for ensuring compliance.

AMENDED IN SENATE APRIL 15, 2013

**SENATE BILL**

**No. 46**

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**Introduced by Senator Corbett**

December 14, 2012

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An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 46, as amended, Corbett. Personal information: privacy.

Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Existing law defines "personal information" for these purposes, to include an individual's first name and last name, or first initial and last name, in combination with one or more designated data elements relating to, among other things, social security numbers, driver's license numbers, financial accounts, and medical information.

This bill would revise certain data elements included within the definition of personal information, by adding certain information ~~relating to an account other than a financial~~ *that would permit access to an online account*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1798.29 of the Civil Code is amended  
2 to read:

3 1798.29. (a) Any agency that owns or licenses computerized  
4 data that includes personal information shall disclose any breach  
5 of the security of the system following discovery or notification  
6 of the breach in the security of the data to any resident of California  
7 whose unencrypted personal information was, or is reasonably  
8 believed to have been, acquired by an unauthorized person. The  
9 disclosure shall be made in the most expedient time possible and  
10 without unreasonable delay, consistent with the legitimate needs  
11 of law enforcement, as provided in subdivision (c), or any measures  
12 necessary to determine the scope of the breach and restore the  
13 reasonable integrity of the data system.

14 (b) Any agency that maintains computerized data that includes  
15 personal information that the agency does not own shall notify the  
16 owner or licensee of the information of any breach of the security  
17 of the data immediately following discovery, if the personal  
18 information was, or is reasonably believed to have been, acquired  
19 by an unauthorized person.

20 (c) The notification required by this section may be delayed if  
21 a law enforcement agency determines that the notification will  
22 impede a criminal investigation. The notification required by this  
23 section shall be made after the law enforcement agency determines  
24 that it will not compromise the investigation.

25 (d) Any agency that is required to issue a security breach  
26 notification pursuant to this section shall meet all of the following  
27 requirements:

28 (1) The security breach notification shall be written in plain  
29 language.

30 (2) The security breach notification shall include, at a minimum,  
31 the following information:

32 (A) The name and contact information of the reporting agency  
33 subject to this section.

34 (B) A list of the types of personal information that were or are  
35 reasonably believed to have been the subject of a breach.

36 (C) If the information is possible to determine at the time the  
37 notice is provided, then any of the following: (i) the date of the  
38 breach, (ii) the estimated date of the breach, or (iii) the date range

1 within which the breach occurred. The notification shall also  
2 include the date of the notice.

3 (D) Whether the notification was delayed as a result of a law  
4 enforcement investigation, if that information is possible to  
5 determine at the time the notice is provided.

6 (E) A general description of the breach incident, if that  
7 information is possible to determine at the time the notice is  
8 provided.

9 (F) The toll-free telephone numbers and addresses of the major  
10 credit reporting agencies, if the breach exposed a social security  
11 number or a driver's license or California identification card  
12 number.

13 (3) At the discretion of the agency, the security breach  
14 notification may also include any of the following:

15 (A) Information about what the agency has done to protect  
16 individuals whose information has been breached.

17 (B) Advice on steps that the person whose information has been  
18 breached may take to protect himself or herself.

19 (e) Any agency that is required to issue a security breach  
20 notification pursuant to this section to more than 500 California  
21 residents as a result of a single breach of the security system shall  
22 electronically submit a single sample copy of that security breach  
23 notification, excluding any personally identifiable information, to  
24 the Attorney General. A single sample copy of a security breach  
25 notification shall not be deemed to be within subdivision (f) of  
26 Section 6254 of the Government Code.

27 (f) For purposes of this section, "breach of the security of the  
28 system" means unauthorized acquisition of computerized data that  
29 compromises the security, confidentiality, or integrity of personal  
30 information maintained by the agency. Good faith acquisition of  
31 personal information by an employee or agent of the agency for  
32 the purposes of the agency is not a breach of the security of the  
33 system, provided that the personal information is not used or  
34 subject to further unauthorized disclosure.

35 (g) For purposes of this section, "personal information" means  
36 ~~an~~ *either of the following:*

37 (1) An individual's first name or first initial and last name in  
38 combination with any one or more of the following data elements,  
39 when either the name or the data elements are not encrypted:

40 (1)

1 (A) Social security number.

2 ~~(2)~~

3 (B) Driver's license number or California Identification Card  
4 number.

5 ~~(3)~~

6 (C) Account number, credit or debit card number, in  
7 combination with any required security code, access code, or  
8 password that would permit access to an individual's financial  
9 account.

10 ~~(4)~~

11 (D) Medical information.

12 ~~(5)~~

13 (E) Health insurance information.

14 ~~(6) Password, user name,~~

15 (2) *A user name or email address, in combination with a*  
16 *password or security question and answer for an account other*  
17 *than a financial that would permit access to an online account.*

18 (h) (1) For purposes of this section, "personal information"  
19 does not include publicly available information that is lawfully  
20 made available to the general public from federal, state, or local  
21 government records.

22 (2) For purposes of this section, "medical information" means  
23 any information regarding an individual's medical history, mental  
24 or physical condition, or medical treatment or diagnosis by a health  
25 care professional.

26 (3) For purposes of this section, "health insurance information"  
27 means an individual's health insurance policy number or subscriber  
28 identification number, any unique identifier used by a health insurer  
29 to identify the individual, or any information in an individual's  
30 application and claims history, including any appeals records.

31 (i) For purposes of this section, "notice" may be provided by  
32 one of the following methods:

33 (1) Written notice.

34 (2) Electronic notice, if the notice provided is consistent with  
35 the provisions regarding electronic records and signatures set forth  
36 in Section 7001 of Title 15 of the United States Code.

37 (3) Substitute notice, if the agency demonstrates that the cost  
38 of providing notice would exceed two hundred fifty thousand  
39 dollars (\$250,000), or that the affected class of subject persons to  
40 be notified exceeds 500,000, or the agency does not have sufficient



1 contact information. Substitute notice shall consist of all of the  
2 following:

3 (A) ~~E-mail~~ *Email* notice when the agency has an ~~e-mail~~ *email*  
4 address for the subject persons.

5 (B) Conspicuous posting of the notice on the agency's Internet  
6 Web site page, if the agency maintains one.

7 (C) Notification to major statewide media and the Office of  
8 Information Security within the California Technology Agency.

9 (j) Notwithstanding subdivision (i), an agency that maintains  
10 its own notification procedures as part of an information security  
11 policy for the treatment of personal information and is otherwise  
12 consistent with the timing requirements of this part shall be deemed  
13 to be in compliance with the notification requirements of this  
14 section if it notifies subject persons in accordance with its policies  
15 in the event of a breach of security of the system.

16 SEC. 2. Section 1798.82 of the Civil Code is amended to read:

17 1798.82. (a) Any person or business that conducts business  
18 in California, and that owns or licenses computerized data that  
19 includes personal information, shall disclose any breach of the  
20 security of the system following discovery or notification of the  
21 breach in the security of the data to any resident of California  
22 whose unencrypted personal information was, or is reasonably  
23 believed to have been, acquired by an unauthorized person. The  
24 disclosure shall be made in the most expedient time possible and  
25 without unreasonable delay, consistent with the legitimate needs  
26 of law enforcement, as provided in subdivision (c), or any measures  
27 necessary to determine the scope of the breach and restore the  
28 reasonable integrity of the data system.

29 (b) Any person or business that maintains computerized data  
30 that includes personal information that the person or business does  
31 not own shall notify the owner or licensee of the information of  
32 any breach of the security of the data immediately following  
33 discovery, if the personal information was, or is reasonably  
34 believed to have been, acquired by an unauthorized person.

35 (c) The notification required by this section may be delayed if  
36 a law enforcement agency determines that the notification will  
37 impede a criminal investigation. The notification required by this  
38 section shall be made after the law enforcement agency determines  
39 that it will not compromise the investigation.

1 (d) Any person or business that is required to issue a security  
2 breach notification pursuant to this section shall meet all of the  
3 following requirements:

4 (1) The security breach notification shall be written in plain  
5 language.

6 (2) The security breach notification shall include, at a minimum,  
7 the following information:

8 (A) The name and contact information of the reporting person  
9 or business subject to this section.

10 (B) A list of the types of personal information that were or are  
11 reasonably believed to have been the subject of a breach.

12 (C) If the information is possible to determine at the time the  
13 notice is provided, then any of the following: (i) the date of the  
14 breach, (ii) the estimated date of the breach, or (iii) the date range  
15 within which the breach occurred. The notification shall also  
16 include the date of the notice.

17 (D) Whether notification was delayed as a result of a law  
18 enforcement investigation, if that information is possible to  
19 determine at the time the notice is provided.

20 (E) A general description of the breach incident, if that  
21 information is possible to determine at the time the notice is  
22 provided.

23 (F) The toll-free telephone numbers and addresses of the major  
24 credit reporting agencies if the breach exposed a social security  
25 number or a driver's license or California identification card  
26 number.

27 (3) At the discretion of the person or business, the security  
28 breach notification may also include any of the following:

29 (A) Information about what the person or business has done to  
30 protect individuals whose information has been breached.

31 (B) Advice on steps that the person whose information has been  
32 breached may take to protect himself or herself.

33 (e) A covered entity under the federal Health Insurance  
34 Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d  
35 et seq.) will be deemed to have complied with the notice  
36 requirements in subdivision (d) if it has complied completely with  
37 Section 13402(f) of the federal Health Information Technology  
38 for Economic and Clinical Health Act (Public Law 111-5).  
39 However, nothing in this subdivision shall be construed to exempt  
40 a covered entity from any other provision of this section.

(f) Any person or business that is required to issue a security breach notification pursuant to this section to more than 500 California residents as a result of a single breach of the security system shall electronically submit a single sample copy of that security breach notification, excluding any personally identifiable information, to the Attorney General. A single sample copy of a security breach notification shall not be deemed to be within subdivision (f) of Section 6254 of the Government Code.

(g) For purposes of this section, "breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business. Good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

(h) For purposes of this section, "personal information" means ~~an~~ *either of the following*:

(1) *An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:*

~~(1)~~

(A) Social security number.

~~(2)~~

(B) Driver's license number or California Identification Card number.

~~(3)~~

(C) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

~~(4)~~

(D) Medical information.

~~(5)~~

(E) Health insurance information.

~~(6) Password, user name~~

(2) *A user name or email address, in combination with a password or security question and answer for an account other than a financial that would permit access to an online account.*

1 (i) (1) For purposes of this section, "personal information" does  
2 not include publicly available information that is lawfully made  
3 available to the general public from federal, state, or local  
4 government records.

5 (2) For purposes of this section, "medical information" means  
6 any information regarding an individual's medical history, mental  
7 or physical condition, or medical treatment or diagnosis by a health  
8 care professional.

9 (3) For purposes of this section, "health insurance information"  
10 means an individual's health insurance policy number or subscriber  
11 identification number, any unique identifier used by a health insurer  
12 to identify the individual, or any information in an individual's  
13 application and claims history, including any appeals records.

14 (j) For purposes of this section, "notice" may be provided by  
15 one of the following methods:

16 (1) Written notice.

17 (2) Electronic notice, if the notice provided is consistent with  
18 the provisions regarding electronic records and signatures set forth  
19 in Section 7001 of Title 15 of the United States Code.

20 (3) Substitute notice, if the person or business demonstrates that  
21 the cost of providing notice would exceed two hundred fifty  
22 thousand dollars (\$250,000), or that the affected class of subject  
23 persons to be notified exceeds 500,000, or the person or business  
24 does not have sufficient contact information. Substitute notice  
25 shall consist of all of the following:

26 (A) ~~E-mail~~ *Email* notice when the person or business has an  
27 ~~e-mail~~ *email* address for the subject persons.

28 (B) Conspicuous posting of the notice on the Internet Web site  
29 page of the person or business, if the person or business maintains  
30 one.

31 (C) Notification to major statewide media and the Office of  
32 Privacy Protection within the State and Consumer Services Agency.

33 (k) Notwithstanding subdivision (j), a person or business that  
34 maintains its own notification procedures as part of an information  
35 security policy for the treatment of personal information and is  
36 otherwise consistent with the timing requirements of this part, shall  
37 be deemed to be in compliance with the notification requirements  
38 of this section if the person or business notifies subject persons in

- 1 accordance with its policies in the event of a breach of security of
- 2 the system.

O

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 176  
**Author:** Senator Cathleen Galgiani  
**Bill Version:** Amended April 24, 2013  
**Subject:** Administrative Procedures  
**Sponsor:** California Association of Realtors

**STATUS OF BILL:** Introduced on February 6, 2013; Passed Sen. Govt. Org. Committee (11-0); placed in Appropriations Suspense File.

### **SUMMARY:**

This bill would require state agencies, boards and commissions to submit a notice for appearance in the California Regulatory Notice Register at least 15 days prior to any meeting date, or report when seeking public input for development of regulations.

### **EXISTING LAW:**

- The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of regulatory actions by the Office of Administrative Law (OAL).
- The Chiropractic Initiative Act provides the Board with the power to adopt rules and regulations necessary for the performance of its work, the enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.
- The Bagley-Keene Open Meeting Act governs the procedures for public meetings held by state agencies.

### **THIS BILL WOULD:**

- Require state agencies, boards, and commissions to publish a notice in the California Regulatory Notice Register at least 15 days prior to any meeting date, or report when seeking public input for development of regulations
- Define meetings and reports seeking public input as informational hearings, workshops, scoping hearings, preliminary meetings, public and stakeholder outreach meetings, fifteen-day comment period notices, and the posting of informational and state report links on the website intended for public review and comment.

## **BACKGROUND:**

State agencies engaging in the rulemaking process are currently required to provide notice to interested parties at least 45 days before the close of the public comment period in the California Regulatory Notice Register; however, subsequent comment periods, workshops, hearings and reports are exempt from this requirement. According to the author, this bill will continue the state's policy of improving public access to the policy development process in the legislative and regulatory process by following the federal regulatory notice model which will create transparency and promote public participation in the regulatory process.

## **FISCAL IMPACT:**

The fiscal impact is unknown but may potentially have significant costs. The process conflicts with the Bagley-Keene Open Meeting Act; therefore, the process is unclear. This bill may require the board to send notices for all public meetings and regulatory comment periods twice, resulting in reduced staff resources and mailing costs.

## **SUPPORT & OPPOSITION:**

### Support:

- American Council of Engineering Companies
- Apartment Association of Greater Los Angeles
- California Apartment Association
- California Building Industry Association
- California Business Properties Association
- California Cement Manufactures
- Environmental Coalition
- California Chamber of Commerce
- California Independent Oil Marketers Association
- California Land and Title Association
- California Manufactures & Technology Association
- California New Car Dealers Association
- California Restaurant Association
- California Retailers Association
- California Service Station & Auto Repair Association
- National Federation of Independent Business
- San Diego County Apartment Association
- Santa Barbara Rental Property Association
- USANA Health Sciences, Inc.
- Western States Petroleum Association
- California Association of Realtors
- Orange County Association of Realtors

Opposition: Sierra Club California

## **ARGUMENTS:**

### **Pro:**

- This bill will ensure that the public is made aware of all opportunities for public participation regarding regulations.
- This bill could potentially increase public participation in rulemaking by providing the public with additional time to make arrangements to attend public meetings.

### **Con:**

- This bill conflicts with the Bagley-Keene Open Meeting Act, section 11125, which requires a state agency to give at least 10 calendar days' written notice of each public meeting to be held.
- All public meetings have the potential of discussing the promulgation of or amendments to regulations by way of public comment if not specifically itemized on the agenda; therefore, this bill could potentially apply to all public meetings held by the board.
- Requiring notice of public meetings to be sent out earlier puts additional constraints upon the board to secure a location and finalize the agenda in time to meet this requirement. Currently information must be submitted to OAL at least 1.5 weeks prior to the Notice date to be posted in the Regulatory Notice Register. This bill requires the Notice to be posted 15 days prior to the meeting; therefore, the BCE would have to get the information to OAL nearly 1 month prior to the meeting date, which is a significant departure from the Bagley-Keene Open Meeting Act and current APA requirements.
- This bill adds an additional step to our public meeting notice process requiring staff to submit the notice to OAL.
- The need for this bill is unclear as the APA requires state agencies participating in the regulatory process to place a notice of proposed regulations in the Regulatory Notice Register and send Notices of all changes, reports and comment periods by mail to interested parties as well as posting the information on the agency's website. This information is already accessible to anyone interested in following the regulatory process without imposing additional costs and staff resources upon state agencies.

**STAFF RECOMMENDED POSITION:** **OPPOSE** as amended on April 24, 2013.



AMENDED IN SENATE APRIL 24, 2013

**SENATE BILL**

**No. 176**

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**Introduced by Senator Galgiani**  
**(Coauthors: Senators Cannella and Correa)**

February 6, 2013

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An act to add ~~Section~~ *Sections* 11346.46 and 11346.47 to the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as amended, Galgiani. Administrative procedures.

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations.

This bill would, in order to increase public participation and improve the quality of regulations, require state agencies, boards, and commissions to ~~publish~~ *submit* a notice prior to any meeting date or report, provided the meeting or report is seeking public input, as described. *The bill would additionally require state agencies, boards, and commissions to submit specified notices to the Office of Administrative Law, for publication in the California Regulatory Notice Register.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11346.46 is added to the Government  
2 Code, to read:

3 11346.46. (a) In order to increase public participation in the  
4 regulation development process and improve the quality of  
5 regulations, state agencies, boards, and commissions shall ~~publish~~  
6 ~~submit~~ a notice in the California Regulatory Notice Register, as  
7 ~~prepared by the Office of Administrative Law, Register. The notice~~  
8 ~~shall appear in the California Regulatory Notice Register~~ at least  
9 15 days prior to any meeting date or report, provided the meeting  
10 or report is seeking public input.

11 (b) For purposes of this section, meetings and reports seeking  
12 public input include, but are not limited to, the following *formal,*  
13 *official, or organized:*

14 (1) Informational hearings.

15 (2) Workshops.

16 (3) Scoping hearings.

17 (4) Preliminary meetings.

18 (5) Public and stakeholder outreach meetings.

19 ~~(6) Fifteen-day comment period notices.~~

20 ~~(7) The posting of Internet Web site links to informational and~~  
21 ~~state reports prepared for public review and comment.~~

22 SEC. 2. Section 11346.47 is added to the Government Code,  
23 to read:

24 11346.47. State agencies, boards, and commissions shall submit  
25 a notice to the Office of Administrative Law for publication in the  
26 California Regulatory Notice Register, upon issuance or  
27 publication of the following:

28 (a) Any notice required by either subdivision (c) of Section  
29 11346.8, commonly known as 15-day comment period notice, or  
30 subdivision (b) of Section 11347.1.

31 (b) Any Internet Web site link to informational reports prepared  
32 for public review that have been posted on the agency, board, or  
33 commission Internet Web site in connection with proposed  
34 regulations.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 306  
**Author:** Senator Curren Price  
**Bill Version:** Amended April 18, 2013  
**Subject:** Healing Arts: boards.  
**Sponsor:**

**STATUS OF BILL:** Introduced on February 20, 2013; passed Sen. B.P. & C.P on April 29, 2013. Referred to Appropriations Committee.

### **SUMMARY:**

This bill would require legislative review of several healing arts boards, including the Board of Chiropractic Examiners.

### **EXISTING LAW:**

- The Chiropractic Initiative Act of California establishes the Board of Chiropractic Examiners and provides for the licensure and regulation of chiropractors.
- The Chiropractic Initiative Act can only be changed through an initiative placed on a ballot for a vote by the People.
- Establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and provides for the licensure, of speech-language pathologists, audiologists, and hearing aid dispensers.
- Provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy

### **THIS BILL WOULD:**

- Subject the BCE to review by appropriate policy committees of the Legislature as if the chapter were scheduled to be repealed as of January 1, 2018.
- Repeal the provisions of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and the California Board of Occupational Therapy and subject them to review by the appropriate policy committees of the Legislature.
- Rename the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to the California Speech and Hearing Board

### **BACKGROUND:**

The Joint Sunset Review Committee identifies waste, duplication and inefficiencies within government agencies through a comprehensive review and analysis of every

state agency. This bill establishes a new Sunset date for specified boards and subjects them to a future review by the Legislature.

**FISCAL IMPACT:**

This bill will not impose a new fiscal impact upon the BCE as this bill would establish a new timeframe for Legislative review of the BCE.

**SUPPORT & OPPOSITION:**

Support: None on record

Opposition: None on record

**ARGUMENTS:**

Pro:

- Although the Chiropractic Initiative Act cannot be repealed by the Legislature, this review process ensures that the BCE continues to operate in the most effective and efficient manner.
- The review process helps state agencies identify their strengths and weaknesses and provides an opportunity to improve their service to the public.
- The review process allows boards to identify their challenges and seek assistance from the Legislature through legislative bills or appropriations.

Con: None

**STAFF RECOMMENDED POSITION: WATCH**

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL

No. 306

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**Introduced by Senator Price**  
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

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An act to amend Sections 1000, 2530.2, 2531, 2531.75, ~~and~~ 2533, 2570.19, 2602, *and* 2607.5 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, Price. Healing arts: boards.

The Chiropractic Act, *enacted by an initiative measure approved by the electors on November 7, 1922, measure*, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the act.

This bill would ~~provide~~ *require* that the powers and duties of the ~~State Board of Chiropractic Examiners, board~~, as provided, ~~shall~~ be subject to review by the appropriate policy committees of the ~~Legislature~~ *Legislature*. *The bill would require that the review of the board be performed as if those these provisions were scheduled to be repealed on January 1, 2018.*

~~Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in the Department of Consumer Affairs and makes the board responsible for the licensure of speech-language pathologists, audiologists, and hearing aid dispensers. Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing~~

aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint-Sunset Review and Committee prior to that repeal. Committee on Boards, Commissions, and Consumer Protection.

This bill would ~~instead repeal those provisions on~~ extend the operation of these provisions until January 1, 2018, ~~and would subject~~ provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature. The bill would also rename the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board as the California Speech and Hearing Board. The bill would make conforming changes.

The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act also authorizes the board to refuse to issue, or issue subject to terms and conditions, a license on specified grounds, including, among others, securing a license by fraud or deceit.

This bill would additionally authorize the board to refuse to issue, or issue subject to terms and conditions, a license for a violation of a term or condition of a probationary order of a license issued by the board, as provided.

Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy ~~within the Department of Consumer Affairs~~. Existing law repeals those provisions on January 1, 2014, and subjects the board to review by the Joint-Sunset Review Committee prior to that repeal. Committee on Boards, Commissions, and Consumer Protection.

This bill would ~~instead repeal those provisions on~~ extend the operation of these provisions until January 1, 2018, ~~would subject and~~ provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1000 of the Business and Professions  
2     Code is amended to read:

3     1000. The law governing practitioners of chiropractic is found  
4     in an initiative act entitled "An act prescribing the terms upon  
5     which licenses may be issued to practitioners of chiropractic,  
6     creating the State Board of Chiropractic Examiners and declaring  
7     its powers and duties, prescribing penalties for violation hereof,  
8     and repealing all acts and parts of acts inconsistent herewith,"  
9     adopted by the electors November 7, 1922. Notwithstanding any  
10    other law, the powers and duties of the State Board of Chiropractic  
11    Examiners, as set forth in this article and under the act creating  
12    the board, shall be subject to review by the appropriate policy  
13    committees of the Legislature. The review shall be performed as  
14    if this chapter were scheduled to be repealed as of January 1, 2018.

15    SEC. 2. Section 2530.2 of the Business and Professions Code  
16    is amended to read:

17    2530.2. As used in this chapter, unless the context otherwise  
18    requires:

19    (a) "Board" means the ~~Speech-Language Pathology and~~  
20    ~~Audiology and Hearing Aid Dispensers California Speech and~~  
21    ~~Hearing Board.~~ As used in this chapter or any other provision of  
22    law, "~~Speech-Language Pathology and Audiology and Hearing~~  
23    ~~Aid Dispensers Board~~" or "Speech-Language Pathology and  
24    Audiology Board" shall be deemed to refer to the ~~Speech-Language~~  
25    ~~Pathology and Audiology and Hearing Aid Dispensers California~~  
26    ~~Speech and Hearing Board~~ or any successor.

27    (b) "Person" means any individual, partnership, corporation,  
28    limited liability company, or other organization or combination  
29    thereof, except that only individuals can be licensed under this  
30    chapter.

31    (c) A "speech-language pathologist" is a person who practices  
32    speech-language pathology.

33    (d) The practice of speech-language pathology means all of the  
34    following:

1 (1) The application of principles, methods, instrumental  
2 procedures, and noninstrumental procedures for measurement,  
3 testing, screening, evaluation, identification, prediction, and  
4 counseling related to the development and disorders of speech,  
5 voice, language, or swallowing.

6 (2) The application of principles and methods for preventing,  
7 planning, directing, conducting, and supervising programs for  
8 habilitating, rehabilitating, ameliorating, managing, or modifying  
9 disorders of speech, voice, language, or swallowing in individuals  
10 or groups of individuals.

11 (3) Conducting hearing screenings.

12 (4) Performing suctioning in connection with the scope of  
13 practice described in paragraphs (1) and (2), after compliance with  
14 a medical facility's training protocols on suctioning procedures.

15 (e) (1) Instrumental procedures referred to in subdivision (d)  
16 are the use of rigid and flexible endoscopes to observe the  
17 pharyngeal and laryngeal areas of the throat in order to observe,  
18 collect data, and measure the parameters of communication and  
19 swallowing as well as to guide communication and swallowing  
20 assessment and therapy.

21 (2) Nothing in this subdivision shall be construed as a diagnosis.  
22 Any observation of an abnormality shall be referred to a physician  
23 and surgeon.

24 (f) A licensed speech-language pathologist shall not perform a  
25 flexible fiberoptic nasendoscopic procedure unless he or she has  
26 received written verification from an otolaryngologist certified by  
27 the American Board of Otolaryngology that the speech-language  
28 pathologist has performed a minimum of 25 flexible fiberoptic  
29 nasendoscopic procedures and is competent to perform these  
30 procedures. The speech-language pathologist shall have this written  
31 verification on file and readily available for inspection upon request  
32 by the board. A speech-language pathologist shall pass a flexible  
33 fiberoptic nasendoscopic instrument only under the direct  
34 authorization of an otolaryngologist certified by the American  
35 Board of Otolaryngology and the supervision of a physician and  
36 surgeon.

37 (g) A licensed speech-language pathologist shall only perform  
38 flexible endoscopic procedures described in subdivision (e) in a  
39 setting that requires the facility to have protocols for emergency



1 medical backup procedures, including a physician and surgeon or  
2 other appropriate medical professionals being readily available.

3 (h) "Speech-language pathology aide" means any person  
4 meeting the minimum requirements established by the board, who  
5 works directly under the supervision of a speech-language  
6 pathologist.

7 (i) (1) "Speech-language pathology assistant" means a person  
8 who meets the academic and supervised training requirements set  
9 forth by the board and who is approved by the board to assist in  
10 the provision of speech-language pathology under the direction  
11 and supervision of a speech-language pathologist who shall be  
12 responsible for the extent, kind, and quality of the services provided  
13 by the speech-language pathology assistant.

14 (2) The supervising speech-language pathologist employed or  
15 contracted for by a public school may hold a valid and current  
16 license issued by the board, a valid, current, and professional clear  
17 clinical or rehabilitative services credential in language, speech,  
18 and hearing issued by the Commission on Teacher Credentialing,  
19 or other credential authorizing service in language, speech, and  
20 hearing issued by the Commission on Teacher Credentialing that  
21 is not issued on the basis of an emergency permit or waiver of  
22 requirements. For purposes of this paragraph, a "clear" credential  
23 is a credential that is not issued pursuant to a waiver or emergency  
24 permit and is as otherwise defined by the Commission on Teacher  
25 Credentialing. Nothing in this section referring to credentialed  
26 supervising speech-language pathologists expands existing  
27 exemptions from licensing pursuant to Section 2530.5.

28 (j) An "audiologist" is one who practices audiology.

29 (k) "The practice of audiology" means the application of  
30 principles, methods, and procedures of measurement, testing,  
31 appraisal, prediction, consultation, counseling, instruction related  
32 to auditory, vestibular, and related functions and the modification  
33 of communicative disorders involving speech, language, auditory  
34 behavior or other aberrant behavior resulting from auditory  
35 dysfunction; and the planning, directing, conducting, supervising,  
36 or participating in programs of identification of auditory disorders,  
37 hearing conservation, cerumen removal, aural habilitation, and  
38 rehabilitation, including, hearing aid recommendation and  
39 evaluation procedures including, but not limited to, specifying  
40 amplification requirements and evaluation of the results thereof,

1 auditory training, and speech reading, and the selling of hearing  
2 aids.

3 (l) A "dispensing audiologist" is a person who is authorized to  
4 sell hearing aids pursuant to his or her audiology license.

5 (m) "Audiology aide" means any person meeting the minimum  
6 requirements established by the board. An audiology aide may not  
7 perform any function that constitutes the practice of audiology  
8 unless he or she is under the supervision of an audiologist. The  
9 board may by regulation exempt certain functions performed by  
10 an industrial audiology aide from supervision provided that his or  
11 her employer has established a set of procedures or protocols that  
12 the aide shall follow in performing these functions.

13 (n) "Medical board" means the Medical Board of California.

14 (o) A "hearing screening" performed by a speech-language  
15 pathologist means a binary puretone screening at a preset intensity  
16 level for the purpose of determining if the screened individuals  
17 are in need of further medical or audiological evaluation.

18 (p) "Cerumen removal" means the nonroutine removal of  
19 cerumen within the cartilaginous ear canal necessary for access in  
20 performance of audiological procedures that shall occur under  
21 physician and surgeon supervision. Cerumen removal, as provided  
22 by this section, shall only be performed by a licensed audiologist.  
23 Physician and surgeon supervision shall not be construed to require  
24 the physical presence of the physician, but shall include all of the  
25 following:

26 (1) Collaboration on the development of written standardized  
27 protocols. The protocols shall include a requirement that the  
28 supervised audiologist immediately refer to an appropriate  
29 physician any trauma, including skin tears, bleeding, or other  
30 pathology of the ear discovered in the process of cerumen removal  
31 as defined in this subdivision.

32 (2) Approval by the supervising physician of the written  
33 standardized protocol.

34 (3) The supervising physician shall be within the general  
35 vicinity, as provided by the physician-audiologist protocol, of the  
36 supervised audiologist and available by telephone contact at the  
37 time of cerumen removal.

38 (4) A licensed physician and surgeon may not simultaneously  
39 supervise more than two audiologists for purposes of cerumen  
40 removal.

1     ~~SEC. 2.~~

2     ~~SEC. 3.~~ Section 2531 of the Business and Professions Code is  
3 amended to read:

4     2531. (a) There is in the Department of Consumer Affairs a  
5 ~~Speech-Language Pathology and Audiology and Hearing Aid~~  
6 ~~Dispensers~~ *the California Speech and Hearing* Board in which the  
7 enforcement and administration of this chapter are vested. The  
8 ~~Speech-Language Pathology and Audiology and Hearing Aid~~  
9 ~~Dispensers~~ *California Speech and Hearing* Board shall consist of  
10 nine members, three of whom shall be public members.

11     (b) This section shall remain in effect only until January 1, 2018,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2018, deletes or extends that date.  
14 Notwithstanding any other law, the repeal of this section renders  
15 the board subject to review by the appropriate policy committees  
16 of the Legislature.

17     ~~SEC. 3.~~

18     ~~SEC. 4.~~ Section 2531.75 of the Business and Professions Code  
19 is amended to read:

20     2531.75. (a) The board may appoint a person exempt from  
21 civil service who shall be designated as an executive officer and  
22 who shall exercise the powers and perform the duties delegated  
23 by the board and vested in him or her by this chapter.

24     (b) This section shall remain in effect only until January 1, 2018,  
25 and as of that date is repealed, unless a later enacted statute, that  
26 is enacted before January 1, 2018, deletes or extends that date.

27     ~~SEC. 5.~~ *Section 2533 of the Business and Professions Code is*  
28 *amended to read:*

29     2533. The board may refuse to issue, or issue subject to terms  
30 and conditions, a license on the grounds specified in Section 480,  
31 or may suspend, revoke, or impose terms and conditions upon the  
32 license of any licensee for any of the following:

33     (a) Conviction of a crime substantially related to the  
34 qualifications, functions, and duties of a speech-language  
35 pathologist or audiologist or hearing aid dispenser, as the case may  
36 be. The record of the conviction shall be conclusive evidence  
37 thereof.

38     (b) Securing a license by fraud or deceit.

39     (c) (1) The use or administering to himself or herself, of any  
40 controlled substance; (2) the use of any of the dangerous drugs

1 specified in Section 4022, or of alcoholic beverages, to the extent,  
2 or in a manner as to be dangerous or injurious to the licensee, to  
3 any other person, or to the public, or to the extent that the use  
4 impairs the ability of the licensee to practice speech-language  
5 pathology or audiology safely; (3) more than one misdemeanor or  
6 any felony involving the use, consumption, or self-administration  
7 of any of the substances referred to in this section; or (4) any  
8 combination of paragraph (1), (2), or (3). The record of the  
9 conviction shall be conclusive evidence of unprofessional conduct.

10 (d) Advertising in violation of Section 17500. Advertising an  
11 academic degree that was not validly awarded or earned under the  
12 laws of this state or the applicable jurisdiction in which it was  
13 issued is deemed to constitute a violation of Section 17500.

14 (e) Committing a dishonest or fraudulent act that is substantially  
15 related to the qualifications, functions, or duties of a licensee.

16 (f) Incompetence, gross negligence, or repeated negligent acts.

17 (g) Other acts that have endangered or are likely to endanger  
18 the health, welfare, and safety of the public.

19 (h) Use by a hearing aid dispenser of the term "doctor" or  
20 "physician" or "clinic" or "audiologist," or any derivation thereof,  
21 except as authorized by law.

22 (i) The use, or causing the use, of any advertising or promotional  
23 literature in a manner that has the capacity or tendency to mislead  
24 or deceive purchasers or prospective purchasers.

25 (j) Any cause that would be grounds for denial of an application  
26 for a license.

27 (k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

28 (l) *Violation of a term or condition of a probationary order of*  
29 *a license issued by the board pursuant to Chapter 5 (commencing*  
30 *with Section 11500) of Part 1 of Division 3 of Title 2 of the*  
31 *Government Code.*

32 ~~SEC. 4.~~

33 *SEC. 6.* Section 2570.19 of the Business and Professions Code  
34 is amended to read:

35 2570.19. (a) There is hereby created a California Board of  
36 Occupational Therapy, hereafter referred to as the board. The board  
37 shall enforce and administer this chapter.

38 (b) The members of the board shall consist of the following:

39 (1) Three occupational therapists who shall have practiced  
40 occupational therapy for five years.

1 (2) One occupational therapy assistant who shall have assisted  
2 in the practice of occupational therapy for five years.

3 (3) Three public members who shall not be licentiates of the  
4 board, of any other board under this division, or of any board  
5 referred to in Section 1000 or 3600.

6 (c) The Governor shall appoint the three occupational therapists  
7 and one occupational therapy assistant to be members of the board.  
8 The Governor, the Senate Committee on Rules, and the Speaker  
9 of the Assembly shall each appoint a public member. Not more  
10 than one member of the board shall be appointed from the full-time  
11 faculty of any university, college, or other educational institution.

12 (d) All members shall be residents of California at the time of  
13 their appointment. The occupational therapist and occupational  
14 therapy assistant members shall have been engaged in rendering  
15 occupational therapy services to the public, teaching, or research  
16 in occupational therapy for at least five years preceding their  
17 appointments.

18 (e) The public members may not be or have ever been  
19 occupational therapists or occupational therapy assistants or in  
20 training to become occupational therapists or occupational therapy  
21 assistants. The public members may not be related to, or have a  
22 household member who is, an occupational therapist or an  
23 occupational therapy assistant, and may not have had, within two  
24 years of the appointment, a substantial financial interest in a person  
25 regulated by the board.

26 (f) The Governor shall appoint two board members for a term  
27 of one year, two board members for a term of two years, and one  
28 board member for a term of three years. Appointments made  
29 thereafter shall be for four-year terms, but no person shall be  
30 appointed to serve more than two consecutive terms. Terms shall  
31 begin on the first day of the calendar year and end on the last day  
32 of the calendar year or until successors are appointed, except for  
33 the first appointed members who shall serve through the last  
34 calendar day of the year in which they are appointed, before  
35 commencing the terms prescribed by this section. Vacancies shall  
36 be filled by appointment for the unexpired term. The board shall  
37 annually elect one of its members as president.

38 (g) The board shall meet and hold at least one regular meeting  
39 annually in the Cities of Sacramento, Los Angeles, and San  
40 Francisco. The board may convene from time to time until its

1 business is concluded. Special meetings of the board may be held  
2 at any time and place designated by the board.

3 (h) Notice of each meeting of the board shall be given in  
4 accordance with the Bagley-Keene Open Meeting Act (Article 9  
5 (commencing with Section 11120) of Chapter 1 of Part 1 of  
6 Division 3 of Title 2 of the Government Code).

7 (i) Members of the board shall receive no compensation for  
8 their services, but shall be entitled to reasonable travel and other  
9 expenses incurred in the execution of their powers and duties in  
10 accordance with Section 103.

11 (j) The appointing power shall have the power to remove any  
12 member of the board from office for neglect of any duty imposed  
13 by state law, for incompetency, or for unprofessional or  
14 dishonorable conduct.

15 (k) This section shall remain in effect only until January 1, 2018,  
16 and as of that date is repealed, unless a later enacted statute, that  
17 is enacted before January 1, 2018, deletes or extends that date.  
18 Notwithstanding any other law, the repeal of this section renders  
19 the board subject to review by the appropriate policy committees  
20 of the Legislature.

21 *SEC. 7. Section 2602 of the Business and Professions Code is*  
22 *amended to read:*

23 2602. The Physical Therapy Board of California, hereafter  
24 referred to as the board, shall enforce and administer this chapter.

25 This section shall remain in effect only until January 1, ~~2014,~~  
26 2018, and as of that date is repealed, unless a later enacted statute,  
27 that is enacted before January 1, ~~2014,~~ 2018, deletes or extends  
28 that date.

29 Notwithstanding any other provision of law, the repeal of this  
30 section renders the board subject to review by the appropriate  
31 policy committees of the Legislature.

32 *SEC. 8. Section 2607.5 of the Business and Professions Code*  
33 *is amended to read:*

34 2607.5. (a) The board may appoint a person exempt from civil  
35 service who shall be designated as an executive officer and who  
36 shall exercise the powers and perform the duties delegated by the  
37 board and vested in him or her by this chapter.

38 (b) This section shall remain in effect only until January 1, ~~2014,~~  
39 2018, and as of that date is repealed, unless a later enacted statute,

- 1 that is enacted before January 1, ~~2014~~, 2018, deletes or extends
- 2 that date.

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